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# **Improving the implementation of merit recruitment procedures in the Western Balkans: Analysis and recommendations**

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\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and ICJ Advisory opinion on the Kosovo Declaration of independence

## **Acknowledgement**

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The work on the Regional Study started in the summer of 2015 following extensive discussion among CoP members, ReSPA and the authors of this study. The findings and recommendations will form the basis for further work by the members of the Community of Practitioners at home and in collaboration with ReSPA. In other words, the completion of this Regional Study is indeed the starting point for a busy work agenda to improve the quality of human resources management in the Western Balkans.

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# 1. Introduction

This ReSPA study assesses the quality of implementing merit recruitment procedures by ReSPA Members and Kosovo\*. Merit recruitment refers to recruitment based on competitive examinations to select the best-qualified person for a given role. Merit recruitment in public administration has a long history reaching as far back as Ancient China, while it has been the hallmark of Western public administration since the 19<sup>th</sup> century.

The benefits of merit recruitment are widely recognized. It is associated with economic growth and development, lower levels of public sector corruption and higher trust in government. Merit-based civil service systems are an essential component of the rule of law and a functioning democracy. Improving the implementation of merit recruitment procedures is therefore an important vehicle for the future development of ReSPA Members and Kosovo\* and their integration with the European Union (EU).

Indeed, in 2014 the European Commission has put forward public administration reform including the establishment of professional human resources management systems as one of three key pillars of its Enlargement Strategy towards the Western Balkans and Turkey.<sup>1</sup> The European Principles of Administration developed by SIGMA reinforce the need for merit recruitment as a guiding principle for the establishment of professional civil service systems in accession states.<sup>2</sup>

ReSPA Members and Kosovo\* recognize the importance of merit recruitment for the development of administrative capacity. Over the last decade and a half, they have invested in civil service reform in order to establish formal institutional frameworks that promote merit recruitment practices in the civil service. However, the implementation of these formal-legal frameworks tends to lag behind.

Problems of implementation take various forms. They occur when the implementation of new legal frameworks is delayed, suspended or simply ignored. Often, problems of implementation are more complex, for instance, when legal frameworks are contradictory or when secondary regulation is still missing. The systemic character of civil service management implies that problems of implementation may emerge when one of its components is defective or when environmental factors undermine the capacity of relevant actors to fully apply a given procedure.

In addition, problems of implementation may refer to violations of the spirit of the law. In this case, laws are not breached but informal behaviour contradicts the purpose of the law. In the context of merit recruitment, violations of the spirit of the law occur when recruitment is not competitive and when the examination process does not lead to the selection of the best and brightest candidate. Violations against the spirit of the law may be the result of conscious attempts by key actors to conspire against the purpose of the procedure as much as they may result from local understandings and interpretations of the procedure.

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<sup>1</sup> European Commission (2014) *Enlargement Strategy and Main Challenges 2014/2015*. Available at [http://ec.europa.eu/enlargement/pdf/key\\_documents/2014/20141008-strategy-paper\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2014/20141008-strategy-paper_en.pdf).

<sup>2</sup> SIGMA (2014) *The Principles of Public Administration*. Available at <http://www.sigmaweb.org/publications/Principles-Public-Administration-Nov2014.pdf#page=10>.

## 1.1. Objectives

Against this background, this ReSPA study examines the implementation of merit recruitment procedures by ReSPA Members and Kosovo\*. It has five major objectives.

- (1) It examines the extent to which the principle of merit recruitment is formally recognised by civil service laws, secondary legislation and other, complementary legislation.
- (2) It examines the extent to which merit rules are applied in practice in order to identify potential implementation gaps and irregularities.
- (3) It moves beyond questions of legal compliance to examine the quality of implementation, in particular, the extent to which recruitment practices embody principles of openness, fairness, effective competence screening and efficiency.
- (4) It examines the capacity of key actors inside and outside the civil service to implement the merit recruitment procedure, including their resources and willingness to operate and monitor the implementation of the procedure.
- (5) It derives recommendations that aim to improve the quality and capacity of implementation in the area of merit recruitment. The proposals are primarily prepared for ReSPA and for the representatives of the ReSPA Community of Practitioners (CoP) HRM/HRD. Where appropriate the study will raise broader issues for the attention of national governments, local civil society organizations and the European Commission.

## 1.2. Approach

The study has been commissioned by the ReSPA CoP on HRM/HRD. It compares merit rules and practices by ReSPA Members (Albania, Bosnia and Herzegovina, Macedonia, Montenegro and Serbia) and Kosovo\*. In the case of Bosnia and Herzegovina, it examines the common institutions of Bosnia and Herzegovina (*henceforth* BiH), the Federation of Bosnia and Herzegovina (*henceforth* FBiH) and the Republika Srpska (*henceforth* RS).

The study innovates both substantively and analytically. Analytically, it takes the perspective of institutions that are covered by the civil service laws of each ReSPA Member and Kosovo\*. As a consequence, it includes institutions as diverse as Ministries of Finance and Defence, Competition Offices, Civil Aviation Agencies, National Archives and, in some countries, Municipalities. By opening the black box of the civil service of each ReSPA Member and Kosovo\*, we are able to locate institutions that face more/fewer challenges for good implementation. Moreover, we gain a better understanding of the capacity constraints that exist on the ground, that is, across the institutions covered by the civil service.

The study therefore takes a bottom-up perspective for the evaluation of merit rules and practices. The new perspective will be particularly beneficial for the work of CoP members who are primarily drawn from central civil service management units of each ReSPA Member and Kosovo\*, as it will allow them to tailor domestic initiatives on the basis of comprehensive feedback from across the civil service.



In order to realise the bottom-up perspective on the evaluation of merit practices, the study relies on the findings from an online survey of personnel managers that was conducted between 25 August 2015 and 1 October 2015. The survey returned 283 responses, implying a response rate of 58 per cent.<sup>3</sup> The survey produced both quantitative results that might serve as baseline indicators for future assessments and open-ended qualitative text answers from personnel managers that provide detailed feedback on the workings of the recruitment procedure in individual institutions. In particular, the open-ended comments from personnel managers generated a large number of often very concrete proposals for the improvement of the recruitment procedure.

Substantively, the study goes beyond the evaluation of institutional frameworks and focuses on the implementation of the recruitment procedure. First, it examines both compliance with the letter of the law *and* the spirit of law in order to gain a better understanding of the strengths and weaknesses of merit practices in the region. In order to identify the weakest links of merit recruitment of each ReSPA Member and Kosovo\*, five components of the recruitment procedure are distinguished. They include:

- The institutionalisation of merit recruitment in civil service laws and complementary legislation
- The open advertisement of job vacancies and their prior approval by central institutions
- The formation of qualified and impartial selection commissions
- The capacity of written and oral examination systems to test competences and identify the best candidates for a career in the civil service and/or a given job in the civil service.
- The ranking and final selection of candidates on the basis of examinations and hence candidate competences.

Second, the analysis is complemented by the evaluation of the capacity of key actors to implement, coordinate and monitor the recruitment procedure. Bearing in mind the bottom-up perspective of recruiting institutions, six components are distinguished. They include:

- The capacity of personnel departments to implement the recruitment procedure within their jurisdiction
- The coordination between personnel departments of recruiting institutions and central civil service management units
- The capacity and willingness of senior civil servants to contribute to the implementation of the recruitment procedure
- The capacity and willingness of the political leadership of recruiting institutions including Ministers, Deputy Ministers, State Secretaries and advisors as well as the position of Members of Parliament towards the implementation of the recruitment procedure
- The quality of applicants for different types of positions and their capacity and willingness to engage with the recruitment procedure

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<sup>3</sup> Albania = 24 respondents, BiH = 33, FBiH = 21, RS = 20, Kosovo\* = 68 (including 20 municipalities), Macedonia = 61 (including 33 municipalities), Montenegro = 33, Serbia = 23.

- The monitoring and enforcement capacity of key institutions in public administration, parliament, civil society and abroad among international organisations.

The study is based on the collaboration of the author and regional experts from each of the ReSPA Members and Kosovo\* listed above. The research included interviews with representatives of central civil service management units, a selected number of senior civil servants and personnel managers from central government ministries and agencies, and the online survey of personnel managers mentioned above. The study significantly benefited from the collaboration and support of CoP members.

The study is divided in three parts. The first two parts engage in comparative analysis in order to derive general conclusions for ReSPA Members and Kosovo\*. Accordingly, the **first part** focuses on the quality of implementation. The **second part** examines the capacity of key actors to implement the procedure. The **third part** takes the perspective of individual ReSPA Members and Kosovo\*. It provides short summaries of the quality of implementation in each ReSPA Member and Kosovo\* and discusses in more detail individual recommendations so that CoP HRM/HRD members can take them forward in the context of their own work and further collaboration with ReSPA.

### 1.3. General findings

The study shows that ReSPA Members and Kosovo\* have made considerable progress with regard to the formal institutionalization of merit recruitment procedures insofar as access to the permanent civil service is concerned. The study further shows a high degree of compliance with existing formal-legal frameworks. However, across the region there is a widespread perception that recruitment procedures do not deliver high quality outcomes and, as a result, the capacity of the civil service remains far lower than desired. Needless to say, the lack of capacity contributes to a general problem for government performance and development in the Western Balkans. The question therefore arises why merit recruitment procedures in the region tend to under-perform.

Six factors are particularly relevant for the region as a whole. Their differential relevance for individual ReSPA Members and Kosovo\* will be discussed below and in Part 4 of this study.

#### Problems of incomplete regulation

In many cases, the institutional framework regulating merit recruitment is either not complete or the quality of implementation is subject to negative side effects from the under-regulation of complementary policies. Prominent examples include the under-regulation of temporary employment, workforce planning methods, the inclusion of external experts such as academics and civil society organisations in examination and selection commissions, the lack of compulsory written examinations in Serbia and RS, and the over-reliance on Ministers in the formation of commissions and the final selection of candidates.

#### Problems of incomplete implementation

Even if the compliance with legal frameworks is generally found to be high, it became evident that implementation is subject to gaps and pockets of non-compliance.

Incomplete implementation is more relevant for the failure to advertise job openings and to form selection commissions. It is also more applicable to recruitment into senior positions than into the professional civil service. And it is more evident for some ReSPA Members and Kosovo\* than for others. Yet generally it calls for improved monitoring and enforcement efforts across the region.

#### Problems of expertise

The study finds consistently that the participants lack adequate knowledge to implement the merit recruitment procedure. The level of knowledge, in particular, the perceived knowledge of members of selection commissions, is consistently associated with the quality of the recruitment procedure and its outcomes. Problems of adequate procedural expertise are exacerbated by the lack of effective guidelines and training for commission members. Expertise gaps also constrain personnel departments in taking a more prominent position in the recruitment process. Moreover, a lack of adequate information and engagement undermines the capacity of Members of Parliament and oversight institutions to engage more proactively in monitoring the recruitment procedure.

#### Problems of low examination standards

The study shows that complex examination systems have been established across the region. However, evaluation criteria are often under-developed. As a result, examinations, especially their oral part, lack consistency and are incapable of screening competences. The main weakness of examination systems concerns the relatively low standards that successful candidates need to achieve. In the worst case, examinations do not test qualifications but become a routine to legitimise recruitment into the permanent civil service. The recent introduction of pool examinations in Albania has been a promising strategy to overcome this kind of problem.

#### Problems of fairness

The study finds that the fairness and impartiality of the recruitment process are frequently called into question. The opening of positions, the formation and operation of selection commissions, the setting of written examinations, the conduct of personal interviews and the final selection from lists of candidates are consistently subject to problems of bias. A culture of favouritism has taken root in public administration across the region that systematically undermines the functioning of the merit recruitment system. These problems have recently been mitigated in Albania thanks to the introduction of pool examinations for the external recruitment of civil servants.

#### Problems of efficiency

One of the running themes in the feedback from personnel managers is the lack of efficiency or, more basically, the lack of simplicity in administering the recruitment procedure. Many steps that are required before an external advertisement is approved, extensive requirements to submit documentation for job applications, complex examination systems that have to be administered for each competition are widely criticized and argued to undermine the effectiveness of implementation more generally.

## 1.4. General recommendations

By and large, the agenda for action sets itself from the general findings of this study. Country-specific recommendations for each ReSPA Member and Kosovo\* will be listed in the appendix. For the region as a whole, we distinguish three sets of recommendations.

### 1. Improving capacity, in particular, the knowledge base of key participants

The investment in the capacity of key participants of the recruitment procedure will be essential for improving the quality of implementation. The study recommends first the development of tools in order to support the work of selection commissions and other participants of the recruitment process. These measures should range from guidelines for interviewers to the development of competency frameworks, evaluation criteria for examinations, the provision of rating sheets and policies to train and, ideally, certify the members of selection commissions.

Members of selection commission form an inner core of actors whose knowledge is essential for the quality of the recruitment process. However, the study shows and recommends that knowledge-building activities target a wider range of actors, including personnel departments of recruiting institutions, independent experts from academia and civil society, senior civil servants and also Members of Parliament.

The study recommends that ReSPA plays a supporting role in realising these recommendations. ReSPA, through the CoP on HRM/HRD, should engage in coordinating exchange and deliberation across ReSPA Members and Kosovo\* in order to facilitate the diffusion of good practices across the region. ReSPA is also well placed to engage in the evaluation and development knowledge-building activities to support the work of the CoP. Civil society organisations and international organisations should consider measures to reach and engage Members of Parliament more actively.

### 2. Improving regulatory frameworks

The improvement of the regulatory framework should be a priority for national governments and the work of CoP representatives from central civil service management units. It will be especially important to revise the institutional frameworks in areas such as the temporary employment into civil service positions, workforce planning and the systematization of job positions, the status of external experts on selection panels and the role of Ministers in the selection process.

The review of regulatory frameworks will require time and deliberation among several institutions inside government. There is also scope for the involvement of local civil society organizations, ReSPA and SIGMA in order to explore good practices in the areas listed above and in the appendix at the end of this study.

### 3. Visions for the future

The *first* recommendation above assumes that the basic structure of recruitment systems in the Western Balkans will remain largely unchanged. The recommended measures therefore aim to improve the quality of implementation 'from within' by increasing the capacity, in particular, expertise to implement the existing recruitment systems.

The *second* recommendation takes into account that the recruitment procedure does not exist in isolation but the quality of implementation is dependent on complementary legislation. The recommendations therefore address both change within and outside the recruitment procedure.

A *third* set of recommendations assumes more fundamental change that would be more difficult to achieve in the short term but might be necessary to overcome the fundamental problems of the systems across the region: A perceived lack of fairness and low qualification thresholds for entering the civil service.

In order to address these problems, it will be necessary to (3.1) raise the bar for entering the civil service, (3.2) increase monitoring and the transparency of the recruitment procedure, and/or (3.3) develop measures that help to persuade participants of the benefits of a high-threshold, fair and hence genuinely merit-based approach to recruitment. These mechanisms can be institutionalised on their own or in combination.

### *3.1. Review civil service entry examinations*

If the qualification levels of civil servants are called into question, the first recommendation should simply be to recruit better-qualified candidates. The most basic strategy would be to conduct more comprehensive examinations and to raise the bar for entry into the civil service. It is therefore recommended that CoP members rethink the approach to examinations, in particular, the general examination component. Civil service examination systems in Western Europe and Central and Eastern Europe provide a variety of approaches that ReSPA and the CoP on HRM/HRD might want to explore in more detail in order to review how to improve their own examination systems.

For a start, it is recommended that comprehensive competency frameworks be developed. They will provide the basic criteria for the examination of candidates at different levels and/or for different groups of positions in the civil service. The entry examination itself should be organised by central civil service management units with the help of permanent examination commissions that might also involve external experts. Most importantly, it should involve rigorous testing including the use of assessment centres and a mix of assessment methods to genuinely test the competences that are needed for employment in the civil service.

Passing a comprehensive entry examination should be a pre-condition for admission to a job-specific examination and interview that would lead to the appointment to a given position. By implication, the recommended two-stage examination procedure ensures that state bodies would only be allowed to recruit from a pool of candidates who have passed a comprehensive quality check.

### *3.2. Improve monitoring and transparency*

Improving the transparency levels of recruitment procedures typically requires some form of increased monitoring. Various options are available. Monitoring can occur via the appointment of independent, external experts from academia, civil society and international organisations on selection panels. If properly selected and trained, they could play an important watchdog role during the examination and selection process. Several countries in the region have already taken steps in this direction. Yet it is

important to ensure that external experts and observers retain their independence and have the capacity to effectively fulfil their role.

An alternative proposal that has emerged from this study concerns the audio recording of examination processes, in particular, job interviews. These kinds of measures are common practice in the private sector but they might act as a quality and monitoring tool in the civil service, too. CoP members might consider additional measures to raise the transparency levels of the recruitment process.

### *3.3. Develop mechanisms for information sharing and learning*

One of the most puzzling features of civil service reform in the Western Balkans is the difficulty of relying on institutional design to achieve merit outcomes. A prominent alternative is the use of information sharing and learning mechanisms to persuade the participants of the importance and superiority of merit recruitment procedures.

Better information, as outlined above, will not only provide the basis for better implementation. 'Information sharing' also provides a mechanism for exchange, to learn about recruitment practices and to deliberate the findings of internal inspections, parliamentary oversight and external monitoring reports by civil society and international organisations. The basic expectation is that an improvement of the informational basis of recruitment will provide opportunities for deliberation and accountability to keep the problem of favouritism in check. ReSPA Members and Kosovo\* in collaboration with ReSPA, civil society organisations and the European Commission should therefore consider measures to support the critical deliberation of implementation practices across the region.

Finally, a reference should be made to the case of Albania. The introduction of pool recruitment in Albania represents a promising step to address both ineffective examination systems and problems of favouritism. Examinations have not only become more challenging (and could probably become even more challenging). The right of successful candidate to choose a vacant job eliminates the opportunities for potential collusion between selection commissions and applicants. The Albanian experience with the new recruitment procedure should be closely observed, as it might represent a viable strategy for other countries to both raise the bar for entry and enhance the fairness of the recruitment process.

ReSPA should be involved in facilitating the review of examination systems, in exploring mechanisms to enhance the transparency of the recruitment procedure and in developing measures to engage key participants in the critical deliberation of recruitment practices.

## **2. Quality of implementation**

This part examines the quality of implementing merit recruitment procedures within and across ReSPA Members and Kosovo\*. We first explore to what extent merit recruitment is defined by civil service laws. We then examine how the recruitment procedure is implemented in practice. To this end, we unpack the procedure along four stages. This will allow us to identify which parts of the recruitment procedure work well and which parts work are subject to problems of implementation. We distinguish the advertisement of positions and the prior approval for the opening a positions, the formation of selection commissions, the written and oral examination of candidates, and the ranking and final selection of candidates.

### **2.1. Merit recruitment in civil service laws**

Across the Western Balkans, merit recruitment is defined by separate civil service laws. Over the last decade and a half they have continuously invested in the reform of the civil service. The first civil service laws were adopted in Albania and Macedonia in 1999 and 2000 respectively. Both laws have been replaced since. Merit recruitment in Albania is regulated by a new civil service law that was adopted in 2013. It has been implemented since the summer of 2014.

In Macedonia, a new Law on the Administration was adopted in 2014, which includes the regulation of civil service management. The law was meant to come into force in February 2015. However, it is not yet fully implemented. In particular, the recruitment procedure is not yet applied due to a moratorium on recruitment and the lack of secondary legislation regulating the methodology for workforce planning in public administration. The situation in Macedonia is therefore marked by uncertainty at the time of writing this report.

Montenegro also recently replaced the first civil service law that was adopted in 2004. A new Law on Civil Servants and State Employees was passed in July 2011. Implementation started in January 2013 following the adoption of secondary legislation including regulations on recruitment and selection. RS is similar in that it passed a new civil service law in 2008 replacing the original law that was adopted in 2002.

In BiH, FBiH, Serbia and Kosovo\*, the recruitment procedure still operates on the basis of the first civil service law that was adopted after transition to democracy. In BiH, the civil service law was adopted in 2002. At that time, it was imposed by the Office of the High Representative (OHR) and subsequently passed by parliament. In FBiH, the civil service law was adopted in 2003 also following an imposition by the OHR. In Serbia, recruitment is regulated by the civil service law of 2005, which came into force in 2006. Kosovo\*, finally, last in the region adopted a civil service law in 2010. The law came into force in 2012 following the adoption of necessary secondary regulations. At the point of writing, an amendment is under preparation.

The civil service laws regulate the scope and hence applicability of merit recruitment procedures across public administration. Horizontally, civil service laws have typically opted for a narrow scope including the central state administration as well as the administrations of parliament and the courts. Public servants working in education, health and the cultural sector are regulated by separate legislation. Armed public

servants such as police officers and army officials are also kept outside the civil service laws across the region.

The local administration such as municipalities is included in the scope of the civil service law in Macedonia, Kosovo\*, Albania and Montenegro. In the latter, the applicability is partial, in that local government administrations have the possibility to opt out of the civil service law for recruitment matters if they adopt their own regulatory frameworks. The same applies to the Parliament of Montenegro, which has chosen to establish its own regulation governing the recruitment and selection of personnel.

Laws on the state administration, on government and on the civil service further regulate the boundary between politics and administration. Political appointees are defined in the legal framework of each ReSPA Member and Kosovo\*. Three models can be distinguished. First, in Albania, BiH, Kosovo\* and Macedonia, the Minister as member of cabinet is assisted by one or several Deputy Ministers. Second, in Serbia and Montenegro, Ministers may nominate one or several State Secretaries. Third, in RS and FBiH there are no Deputy Minister positions.

In addition to the appointment of Deputy Ministers or State Secretaries, Ministers are further allowed to appoint a limited number of personal and political advisors. Deputy Ministers, State Secretaries and advisors are kept outside the scope of the civil service laws. They do not have to pass through the civil service examination procedure and their mandate is linked to the tenure of their Minister and/or the Government.

By implication, civil service laws and laws on the state administration define the highest-ranking positions in the civil service. For central government ministries, these are General Secretaries in Albania, Kosovo\* and Montenegro, one State Secretary in Macedonia, Secretaries of the Ministry in Serbia, BiH, FBiH and RS.

The Secretaries of the Ministries in Serbia, BiH, FBiH and RS operate alongside Assistant Ministers who are also directly accountable to the Minister. Assistant Ministers have policy responsibilities. They lead sectors and groups of departments. In contrast, Secretaries of the Ministry are responsible for general affairs and services of the institution including personnel management. The same constellation applies to Montenegro where the General Secretary operates alongside General Directors of Directorates in charge of policy sectors.

In contrast, heads of sectors (or equivalent) in Albania, Kosovo\* and Macedonia are accountable to the Minister 'through' the General Secretary (State Secretary in Macedonia). Either way, General Secretaries, Secretaries of the Ministry, Assistant Ministers, General Directors and Directors of Directorates typically form the management level of the civil service. For all ReSPA Members and Kosovo\*, they are subject to merit recruitment rules but, as will be discussed below, the procedure typically differs from civil servants in lower management positions and professional civil servants who have no management responsibilities.

### **Areas for improvement**

The main exception from merit recruitment by civil service laws applies to temporary employment in civil service positions. ReSPA Members and Kosovo\* take different



approaches with regard to the regulation of temporary employment. FBiH and Albania are the only two cases in the region that allow temporary employment exclusively on the basis of the civil service law.

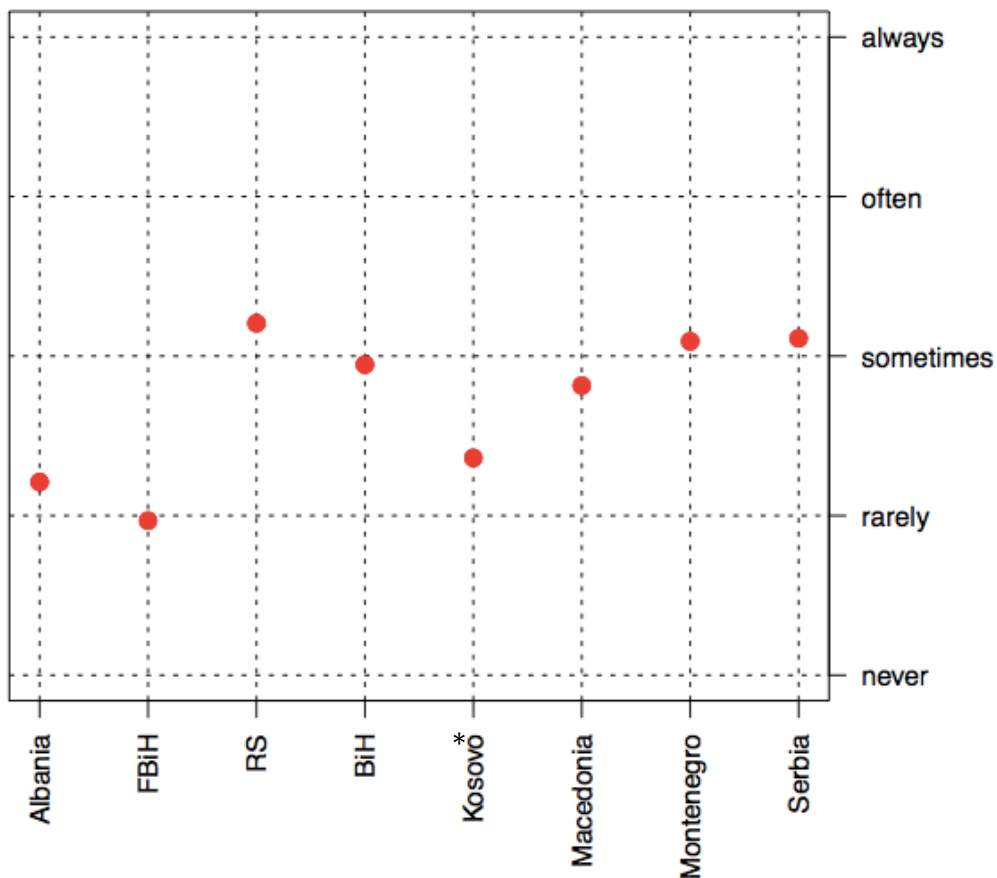
By contrast, in Serbia, BiH, RS and Macedonia these temporary appointments are kept outside the civil service law. Recruitment is regulated by the general labour code or by specific legislation to regulate temporary employment. In Kosovo\* and Montenegro, temporary employment is regulated by the civil service law. However, in both cases, it is possible to employ staff exceptionally on the basis of labour legislation or other legislation.

The regulation of temporary employment outside the civil service law raises important questions for the operation of the merit system, the fairness and the openness of recruitment into the civil service. In Serbia, for instance, there is no legal requirement to publicly advertise temporary employment opportunities. Selection commissions are not formed and candidates have to pass neither a written nor an oral examination. In short, temporary employment is not subject to merit recruitment.

The system of temporary employment is often praised for its flexibility. However, apart from legitimizing non-merit-based staffing of civil service positions, the main downside arises from the interaction with the regular recruitment procedure into permanent civil service jobs. Candidates with prior experience in temporary employment have an advantage when they compete in the examination process, as they are more familiar with the requirements of the job to be filled.

More seriously, the general merit recruitment procedure becomes severely discredited in the eyes of citizens and future applicants if positions are opened exclusively for the sake of guiding temporary staff into permanent positions. Figure 1 below shows that temporary appointees are regularly recruited into permanent civil service positions by most ReSPA Members and Kosovo\*, in particular, in those that do not regulate temporary employment within the civil service law.

Figure 1: Selection of temporary appointees



Responses from the online survey of personnel managers reinforce the impression that jobs are frequently advertised in order to move temporary employees into permanent civil service jobs. For instance, several respondents from Serbia remarked that access to the civil service through contracts of temporary employment and without merit-based assessment cancels all efforts to implement the selection procedure fairly and objectively.

In sum, ReSPA Members and Kosovo\* have made major efforts to formalise merit recruitment to the permanent civil service. Yet two sets of recommendations should be highlighted in this area.

In particular, in terms of

- Improving the quality of regulation, efforts should be made to regulate temporary employment in a way that it will no longer lead to negative side effects for recruitment into the permanent civil service. The recommendation is especially relevant for Serbia, Macedonia, BiH and RS. There is also a need to close loopholes in Kosovo\* and Montenegro. The recommendation is less relevant for Albania and FBiH.
- Ensuring the application of legal frameworks, efforts should be made in Macedonia fully implement the new recruitment procedure and to adopt the last pieces of secondary legislation, in particular, the methodology on workforce planning.

## 2.2. Job advertisements and approval

Civil service laws across the region generally require the advertisement of permanent employment opportunities in the civil service. Exceptions apply to the employment of temporary staff as discussed above. The main differences among ReSPA Members and Kosovo\* stem from the types of internal and external recruitment procedures and the approvals that institutions need to secure before advertising a position.

First, all ReSPA Members and Kosovo\* provide for both internal and external recruitment. In BiH and FBiH it is required that vacancies are first advertised internally for re-deployment within the civil service. If no candidate is found, the job advert goes public. In Kosovo\*, this requirement only applies to managerial civil servants. In Montenegro, job vacancies have to be first advertised within the institution and then within the civil service. A public announcement is only possible after these two internal procedures have been exhausted. In Serbia, RS and Macedonia the laws allow for a direct public job advertisement without the need for prior internal announcement. Internal recruitment is hence optional.

In Albania, the 2013 civil service reform has introduced a new pool recruitment procedure. Generally, positions have to be filled via an internal transfer or an internal promotion procedure. However, at the beginning of the year, the Government decides on a limited number of positions (15 – 20 per cent of the total number of planned recruitments) that can be filled via external, public recruitment. For external entry, Albania introduced so-called pool recruitment, whereby a group of positions is advertised. Candidates can apply for the group of positions and the winner of the competitive examination is given the right to be the first one to pick a vacant position (see below).

Second, across the region institutions are only authorized to advertise positions if certain conditions are met. Generally, a position can only be opened, if it is vacant in accordance with acts on the systematization of positions and, where applicable, if it is foreseen in the annual staffing plan.<sup>4</sup> Moreover, positions can only be opened, if budgetary resources are available. Both decisions are typically taken by the Government following internal approval by Ministries of Finance, Ministries of Public Administration (or equivalent) and civil service agencies (or equivalent).

However, before an individual position is opened for competition, recruiting institution need to secure further approval on a case-by-case basis. In Kosovo\*, recruiting institutions need to secure an approval from both the Ministry of Public Administration to confirm compatibility with systematization acts and from the Ministry of Finance to confirm the budgetary resources for the job. In Montenegro, they only need approval from the Ministry of Finance. In Macedonia, State Secretaries send a request to the Agency, which needs to include a statement from the Ministry of Finance that financial resources are available and from the Secretariat for the Implementation of the Ohrid Framework Agreement to demonstrate that the principle of equitable representation is upheld. In the other ReSPA members and Kosovo\*, it is sufficient to gain the approval from the central human resources management unit.

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<sup>4</sup> These acts are required across the region. They formalize the internal organization of an institution and map the positions and their description onto the organizational structure.

The need for planning and approval ensures that institutions cannot employ new staff at their own discretion. Moreover, the contents of job advertisements, their duration and location are largely prescribed by civil service laws and secondary regulations. Most commonly, advertisements are prepared in accordance with the job descriptions that are formalized in acts on systematization (or equivalent). They are written by the central civil service unit in accordance with instructions received from the recruiting institution or they are written by the recruiting institution based on an existing template.

Job vacancies are then advertised in a variety of outlets, including the web site of the central civil service management unit, national employment portals (or equivalent) and various national newspapers. In Macedonia, for instance, legislation prescribes the minimum number of outlets that need to publish the job advertisement and the criteria for their selection, for instance, the publication in both Macedonian and Albanian language newspapers. In Kosovo\*, they must be published in Albanian and Serbian.

Figure 2: External advertisement and approvals

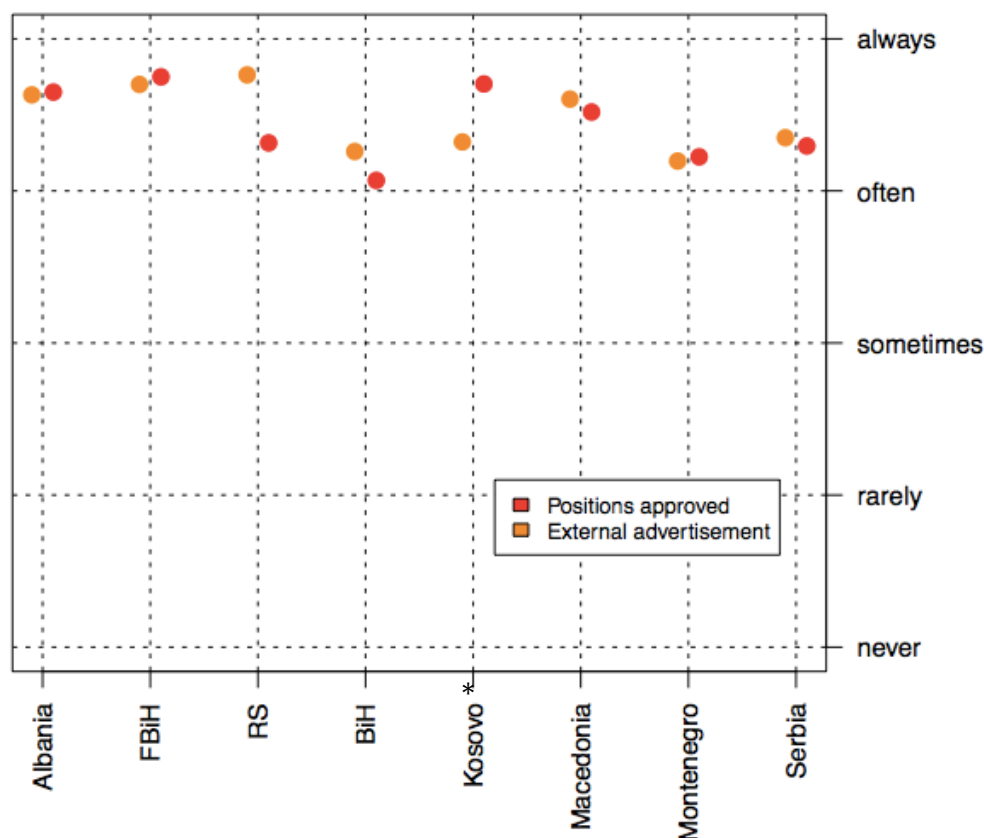


Figure 2 shows that jobs are generally approved before they are advertised and that external recruitment is preceded by a public job advertisement. Differences among ReSPA Members and Kosovo\* are small, indicating a high degree of compliance with legal requirements. This being said, closer scrutiny of the survey responses shows that in a small number of cases job vacancies are never or only rarely public advertised, for instance, in several municipalities in Macedonia and several cases in Kosovo\*. Some reports also indicate that senior appointments in Serbia and BiH are occasionally done without prior advertisement despite legal requirement. In Serbia, this is likely to reflect the appointment of senior civil servants on the basis of temporary contracts, which do not require prior advertisement.

## Areas for improvement

The presentation of the survey responses suggests a need to ensure the full implementation of the advertisement of job vacancies by several ReSPA Members and Kosovo\*. Implementation gaps appear to be relatively more important for the recruitment of senior civil servants. There is hence a need to improve monitoring of the application of the advertisement part of the procedure.

However, the dense regulation of the advertisement procedure ensures that the principles of openness, merit and fairness are reasonably well upheld. For instance, the lack of discretion over the contents of job advertisements implies that it would be difficult for selection commissions to 'tailor' job adverts even if they wanted to.

This does not mean that problems of merit and fairness do not occur at all. Rather, they tend to arise at an earlier stage, i.e. at the point of writing systematization acts. For instance, reports from Serbia and Macedonia suggest cases when systematization acts have been amended in order to fit the job descriptions to the persons wanted for the job rather than vice versa.

The problem of fairness stems from the lack of adequate methodology to plan and systematize the positions and internal organization of institutions. Systematisation acts across the region tend to list a large number of positions that will later remain vacant. Interview evidence suggests that positions are occasionally created in order to generate conditions for the establishment of units and departments, which can subsequently be led by civil servants in managerial ranks. In many cases, this leads to the creation of 'ghost positions' and departments that consist of merely one person: the head of the department. The example indicates that systematisation acts can be used to justify internal promotion decisions and hence to reward existing staff. Many problems of implementation have their root in the lack of rational methodology for the preparation of staffing plans and systematisation acts.

Other difficulties for the advertisement of job openings relate to the efficiency of the procedure. Critical comments were mainly collected from Montenegro, Macedonia, BiH and Serbia. First, respondents from Montenegro criticized that the recruitment procedure is too lengthy due to the need to advertise first inside the institution and then inside civil service before a public advertisement can be placed. The survey suggests that the recruitment process for individual positions can take 4-6 months. In practice, internal advertisements rarely attract more than one or two applicants because they are opened to legitimize internal promotions. Moreover, unless temporary employees are lined up for the post, small institutions struggle to find any internal candidates when advertising job vacancies.

Second, concerns of the length of the procedure have also been raised in relation to the approval of job openings. In particular, the need for approval from Ministries of Finance the administration of several ReSPA Members and Kosovo\* lengthens the procedure. In fact, the survey respondents from Montenegro identify the lengthy process of approving positions as one of the main weaknesses of the recruitment procedure, in particular, the problems it creates when the approval process reaches across the end of the budgetary year.

Third, feedback from Serbia was critical of both the content of job advertisements and the number of documents that would be required when submitting an application. Job adverts, for instance, were described as long, cumbersome and unattractive in style. In Serbia (but also by other ReSPA Members and Kosovo\*), it is further required to enclose for each application procedure a large number of certificates and documents. In case of managerial positions, the complexity of the documentation increases further, as applicants are required to submit proof of their working experience. This creates costs for applicants as well as for selection commissions, which have to screen the material.

Fourth, feedback from BiH, FBiH and Montenegro suggests that the advertisement on the web sites of central agencies, employment portals and in various newspapers is not sufficient to reach a large enough number of competent candidates. In particular, young applicants do not sufficiently engage with traditional media outlets. Respondents therefore suggest greater efforts to use social media tools to reach a wider pool of potential applicants.

In sum, even if the sequence of competition procedures and the contents of job advertisements are relatively densely regulated, there are a number of general recommendations that can be made for this area of the recruitment procedure.

In terms of

- Improving the quality of regulation, the focus should be on the methodology for workforce planning and the systematization of job positions. The lack of up-to-standard regulation has negative side effects for the efficiency, transparency and fairness of the entire recruitment procedure.
- Improving efficiency, measures should be taken to shorten / speed up the approval of job openings, the sequence of internal and external competition procedures, and the procedure for the submission of documents for each job application. In relation to the latter, measures should be taken to explore digital tools to increase the efficiency of the submission process.
- Improving openness, it is recommended here to explore measures to use social network and media to increase the reach of advertisements, in particular, in relation to potential applicants for junior positions.

### **2.3. Formation and role of selection commissions**

The examination of candidates is preceded by the formation of examination and selection commissions. They hence play a key role in the implementation of merit recruitment procedures. The need for qualified, impartial selection commissions is recognized by the European principles of administration as a key component of merit recruitment. Across the Western Balkans, recruitment procedures require the formation of selection commissions. Yet they differ in status, composition and role they play in the recruitment process.

First, Albania differs from the other countries in the region as a result of the introduction of permanent selection commissions. The pool recruitment procedure foresees a commission whose members are appointed for one year. They include a member from the Department of Public Administration, members from recruiting institutions and

experts from outside the civil service, most commonly academics from Albanian universities. For the other countries, selection commissions are generally formed on an ad hoc basis. As civil service systems are primarily position-based, this means the establishment of a new commission for each position that is to be filled.

Selection commissions across the region consist of three, four or five members and differ in the extent to which they involve representatives from central management institutions and so-called independent experts from outside the civil service. In Montenegro and Serbia, commissions consist of three members. In Serbia, one member is delegated by the central Human Resources Management Service, while two members are drawn from the institution that seeks to fill a vacancy. In Montenegro, one member represents the central Human Resources Management Authority, one member is delegated by the recruiting institution and one member is selected from a list of independent experts that is administered by the Human Resources Management Authority. Three person selection commissions also exist in Albania for lateral transfer and internal promotion procedures. In both cases, two members represent the institution and one member is delegated by the Department of Public Administration.

In Macedonia, selection commissions consist of four members. They include one member from the Administration Agency, two from the recruiting institution and one from the Secretariat for the Implementation of the Ohrid Framework Agreement (SIOFA). The new approach to the formation of commissions has not yet been applied in practice due to the moratorium on hiring personnel.

In BiH, FBiH, RS and Kosovo\*, selection commissions require five members. In Kosovo\*, all five members are drawn from the recruiting institution, while the central Department for Civil Service Administration in the Ministry of Public Administration does not have a seat at the table. In RS, two members are delegated by the central Civil Service Agencies from a list of experts from within the civil service, while three members are appointed by the recruiting institution. In BiH and FBiH, the balance is reversed in that only two members are drawn from the recruiting institution, while three are delegated by the Civil Service Agencies.

Selection commissions also differ in relation to their responsibilities. In Kosovo\*, the most decentralized system in the region, they prepare and manage the entire competition procedure including the advertisement and examination of candidates. While parts of the responsibilities are, in practice, often delegated to HR units, this represents a significant workload for commissions. In Albania, the most centralized system, commissions are responsible for the written and oral examination of candidates. Yet the preparation of announcements and the screening of candidates in relation to their formal eligibility are done by the centre.

Figure 3: Formation of Selection Commissions

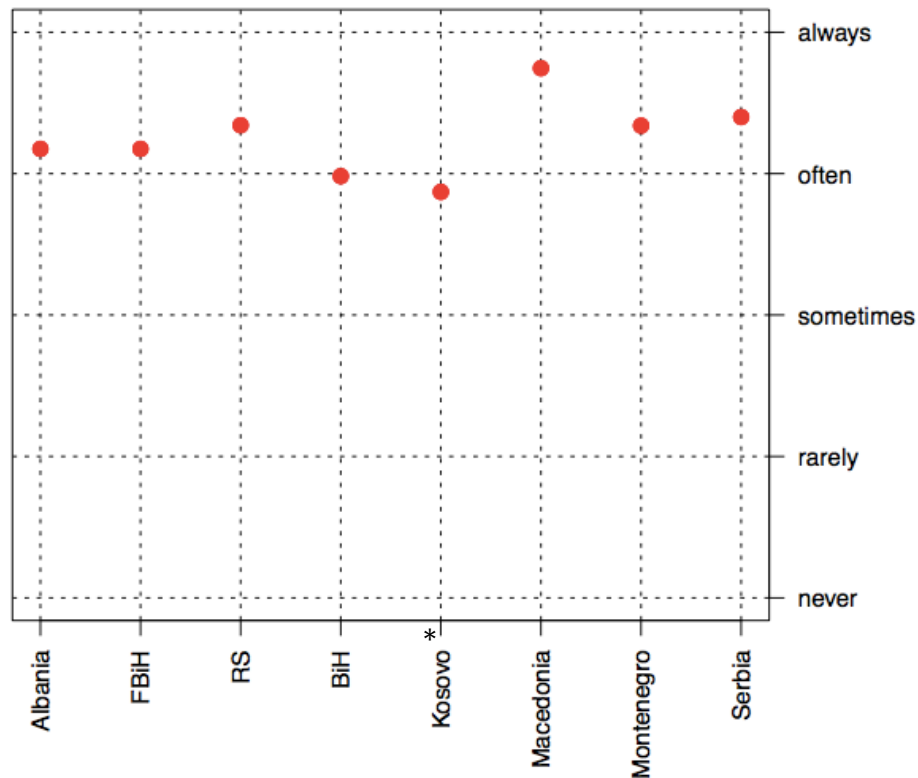


Figure 3 shows that, on average, selection commissions are formed for most if not all competitions. The differences among ReSPA Members and Kosovo\* are relatively small and indicate, by and large, that merit rules are widely applied in practice. Yet a closer look at the data indicates a relevant variation within the civil service of ReSPA Members and Kosovo\*. In BiH, a small number of institutions that does not at all or only rarely establish commissions, even though this is a legal requirement. Similarly, for Kosovo\* the survey suggests that in some cases commissions are not formed, which is surprising in light of the legal framework. The open text answers from the online survey reinforce the finding that appointments are occasionally made without prior advertisement (see above) and without the formation of a selection commission, for instance, when appointments are made on a temporary basis. This suggests that problems of rule evasion may be rare when looking at the region as a whole but there are exceptions within the region and, in particular, within the civil service of each ReSPA Member and Kosovo\*.

### Areas for improvement

Even if, on average, it is possible to observe a fairly high level of compliance with legal requirements, it is evident that implementation gaps have persisted in the civil service of several ReSPA Members and Kosovo\*. There is hence a need to improve monitoring and enforcement in order to minimise these kinds of implementation problems.

In addition, relevant weaknesses of selection commissions are evident in relation to questions of fairness and their capacity to screen the competences of candidates. First, commissions, across the board, are widely criticized for a lack of expertise to correctly and effectively implement the procedure. The gap is less evident for permanent members



of commissions, as they have recently been established in Albania. Regular commission members from central civil service management units and, with qualifications, personnel units also tend to be better informed about how to manage the recruitment procedure in practice.

The problem of insufficient expertise is most relevant for ad hoc members of commissions such as heads of departments and divisions, general directors and assistant ministers who are infrequently involved in the management of the examination process. In theory, they are supposed to be mentored on-the-job by the representatives of personnel units and central civil service units. In practice, it is often not possible to do this satisfactorily due to a lack of time, informal understandings between institutions and the seniority of managers relative to the delegates of personnel units.

The problem of insufficient procedural knowledge is aggravated by the inclusion of independent experts on selection commissions. While their inclusion is meant to strengthen external oversight, impartiality and subject expertise of the commissions, these experts appear to lack adequate information with regard to the management of the procedure itself.

The qualitative feedback gathered through the online survey indicates that the lack of qualified and competent selection commissions is one of the major obstacles to better implementation. The problem is pointed out across ReSPA Members and Kosovo\*. Some of the feedback suggests that better guidelines and even the training of commission members and independent experts on key issues such as the preparation and conduct of written tests and, in particular, the conduct of personal interviews would greatly enhance the quality of implementation. In fact, reformers in the civil service of ReSPA Members and Kosovo\* might even consider the need for the accreditation of commission members in order to raise the professional standards of selection commissions.

Second, several countries have experimented with the inclusion of independent experts on selection commissions. In Montenegro, for instance, independent experts are regularly included in selection commissions. In Albania, they are part of permanent selection commissions, while in Kosovo\* they are included for the selection of General Secretaries and General Directors. The inclusion of independent experts is an important measure to monitor recruitment processes and hence to increase impartiality and transparency.

However, the position of experts tends to be under-regulated. In Montenegro, for instance, the Human Resources Management Authority published a call for applications in order to identify experts on the basis of their qualifications and work experience. Yet there is no clear regulation in place that sets the criteria for the selection of experts, the duration of their assignment and the allocation to individual selection commissions.

The process is even less regulated in Kosovo\* and Albania. In Albania, the Department of Public Administration recruits experts for permanent selection panels from among university academics. In Kosovo\*, the Ministry of Public Administration seeks university academics on an ad hoc basis. For the selection of representatives from civil society, it draws on a list of registered NGOs. In short, it will be important to develop adequate criteria for their selection and allocation of external experts and, as mentioned above, to provide training so that they can play the desired role in the recruitment process.

Third, one of the most fundamental criticisms towards selection commissions is that they are occasionally insufficiently impartial. The presence or absence of bias in selection commissions is, naturally, difficult to measure precisely. However, the information gained from personal interviews and the feedback gathered through the online survey suggests that commissions frequently start the recruitment process with a preferred candidate in mind. The bias may result from the intention to employ a trainee or a hitherto temporary employee on a permanent basis. It may also result from attempts by politicians and other outside actors to informally influence the course of the procedure before the commission has started its work, for instance, at the time when commissions are formed.

The composition of selection commissions has some influence on the propensity of bias in recruitment processes. The fully decentralized process in Kosovo\* allows for less monitoring from central institutions and outside actors (see also below). In Serbia, FBiH, RS and, to a lesser extent, Macedonia, recruiting institutions are in a majority position in the selection commission, which allows for disproportionate influence in the process. In Albania, the constellation persists for the lateral transfer and the internal promotion procedure.

In Montenegro and BiH, recruiting institutions are in a minority position. However, our research suggests that recruiting institutions know 'how to get it their way' in the recruitment process. As a consequence, it appears that public trust in the fairness of the recruitment and selection procedure has declined over time; a problem that is relevant for all ReSPA Members and Kosovo\*.

Albania has recently attempted to depart from this practice by introducing the pool recruitment procedure (see above). The approach has the advantage that it minimizes the power of recruiting institutions and selection commissions to select 'their' candidate from outside the civil service. Instead, it delegates the power to pick a job to candidates. As a consequence, commissions can concentrate on what should be their main job: the testing and ranking of candidates on the basis of merit.

In sum, selection and examination commissions are typically formally required across the Western Balkans and they are routinely formed in practice. However, there is scope for considerable improvement and it is evident that the quality of selection commissions is one of the crucial aspects of the general quality of merit recruitment.

In particular, in terms of

- Improving the quality of regulation, it is recommended to better regulate the selection and allocation of independent experts from academia and civil society organisations to selection commissions. This is especially relevant for Albania, Kosovo\* and Montenegro. However, the inclusion of external experts promises broader benefits for the quality of examination and selection and should therefore also be considered in a more systematic manner in Serbia, BiH, FBiH, RS and Macedonia.
- Improving the informational basis of merit recruitment, measures should be taken to raise the procedural knowledge of commission members by providing clearer guidelines and potentially training programmes. Ideally, measures will be taken for the accreditation of commission members. Measures to improve the

knowledge base will be necessary for both internal and external commission members.

- In terms of improving the fairness of selection commissions, measures should be considered to raise the role of qualified independent experts on commissions across the region (see also above). However, improving the knowledge base of commission members will also be a means to improve the impartiality of commissions. In particular, measures should be considered to engage commission members in information sharing and the deliberation of the operation of the recruitment procedure, the benefits of merit recruitment for institutional performance and citizen trust, and the contents of inspection reports and external monitoring reports, for instance, from civil society organisations. Initiatives of this kind can be implemented in the context of training activities and can be expected to improve the fair and impartial operations of the recruitment procedure.

## **2.4. Written and oral examinations**

Examination systems are at the heart of any merit recruitment procedure. They aim to screen the competences of candidates and their suitability for employment in the civil service. One of the fundamental functions of examination systems is to discriminate between candidates in order to identify who is the best available candidate for a given job or career in the civil service.

In the Western Balkans, merit examinations are generally required for permanent civil service positions. This applies to professional civil servants and managerial civil servants with the exception of the State Secretary position in Macedonia.

Examination systems fall in two broad classes. First, most systems require both a written examination and a personal interview before the final selection of a candidate. This applies to Albania, BiH, FBiH, Kosovo\*, Macedonia and Montenegro. Second, in Serbia personal interviews in front of a selection commission are compulsory while written examinations are optional. In practice, they are taken sometimes. RS differs in that a written pre-entry examination has to be passed before applicants are eligible for participation in the competition for an individual position. For recruitment to individual positions, written examinations are optional, like in Serbia.

Besides the general pattern, legal frameworks allow for some exemptions from the written part of the examination procedure. In Albania, for instance, written examinations are not required for the 'lateral transfer' procedure. Similarly, in BiH, transfers do not require a written examination. Kosovo\* and Montenegro select senior civil servants exclusively on the basis of personal interviews. In Kosovo\* and Montenegro, this applies to both General Secretaries and General Directors. Macedonia, finally, exempts the State Secretary from both the written and the oral examination. Yet the new recruitment procedure requires the selection of State Secretaries from within the civil service. If this rule is respected, it would imply that State Secretaries have taken an exam at least once at an earlier stage of their career.

Apart from the general classification, there are important differences for both written and oral examinations among the ReSPA Members and Kosovo\*. First, they have, over time, experimented with a range of different examination formats and methods. Leaving

the cases of RS and Serbia aside, written exam components range from general examinations that focus on legal knowledge, professional and intellectual capacity tests that assess the generic cognitive capabilities of candidates, psychological and personality tests that focus on the psychological predispositions of candidates and practical, specialized exams that test the knowledge, skills and competencies required for the job that is to be filled.

Written examinations employ a range of different assessment methods. Multiple choice tests are popular for general knowledge tests, psychological, personality and intellectual capacity tests. FBiH further applies multiple choice questions for the testing of job-specific knowledge. These tests have the advantage that they are efficient to administer. They also reduce the subjectivity that is involved in other forms of testing. Yet they are often criticized for a lack of effectiveness, that is, they fail to identify the most competent candidates. Instead, they reward candidates who are able to memorise factual knowledge.

Essays, case studies and simulations are regularly used for job-specific examinations. Kosovo\* uses essay-type questions for both the general and job-specific part of the exam. Albania, BiH and Montenegro use essays and case studies for the job-specific part examination. In Serbia, selection commissions have the option to set written examinations, for which they are free to rely on a mix of assessment methods.

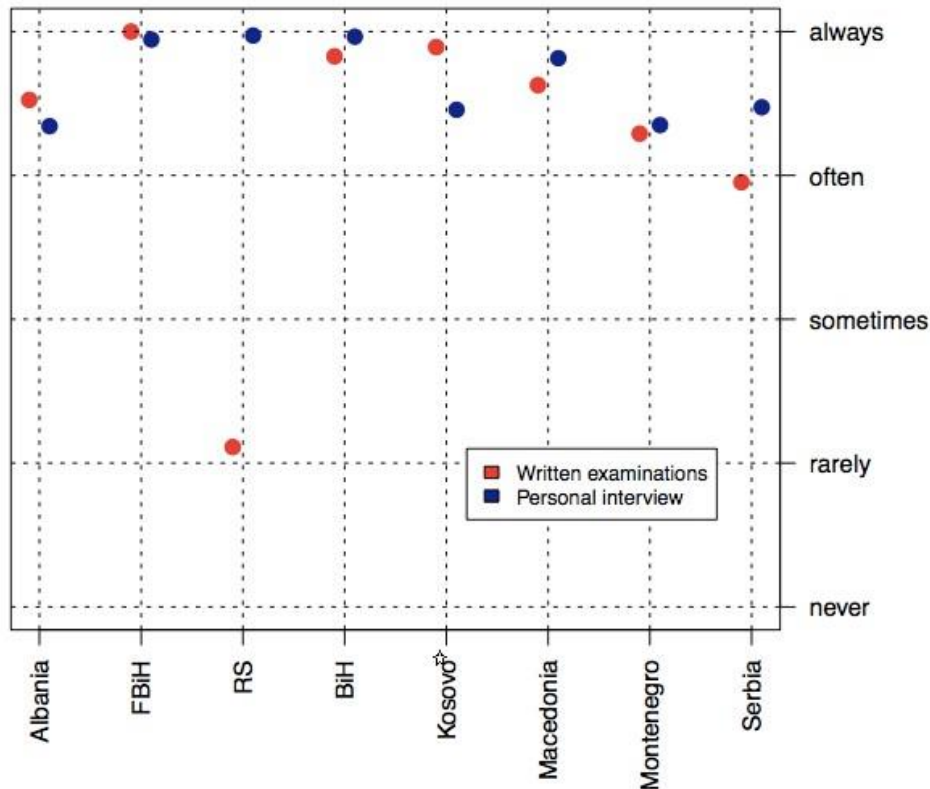
The examination systems further vary with regard to the weight that they give to different components.<sup>5</sup> In Albania, Macedonia and Kosovo\*, final scores are calculated on the basis of both written and oral examinations. In other words, everything counts. In Albania, the interview counts 25 per cent of the final score, in Macedonia 20 per cent, and in Kosovo\* 50 per cent.

In BiH and FBiH, the examination is divided in phases. The first phase consists of the general examination. It acts as a filter for the specialized written exam and the interview, the two of which form the basis for the final examination score. Montenegro shares with Serbia and RS that the final score is based on the interview, as both the general and the specialized examination have to be passed before progressing to the interview as the final stage of the examination process. Finally, in RS and Serbia, candidates are ranked on the basis of the personal interview only.

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<sup>5</sup> In Albania and Macedonia, candidates are also assessed on the basis of their CV, primarily their educational qualifications and work experience.

Figure 4: Written examinations and personal interviews



The formal institutionalization of merit examination systems is reflected in the results of the online survey. Written examinations are mostly taken across ReSPA Members and Kosovo\*. In RS, they are less often taken which reflects the legal basis of the examination system. Written exam are also taken less often in Serbia. The slightly lower score for Montenegro reflects the lack of written examinations for senior civil servants. At the same time, Figure 4 indicates that personal interviews are almost always taken before the selection of a candidate. The application of merit rules therefore ranks highly for most ReSPA Members and Kosovo\*.

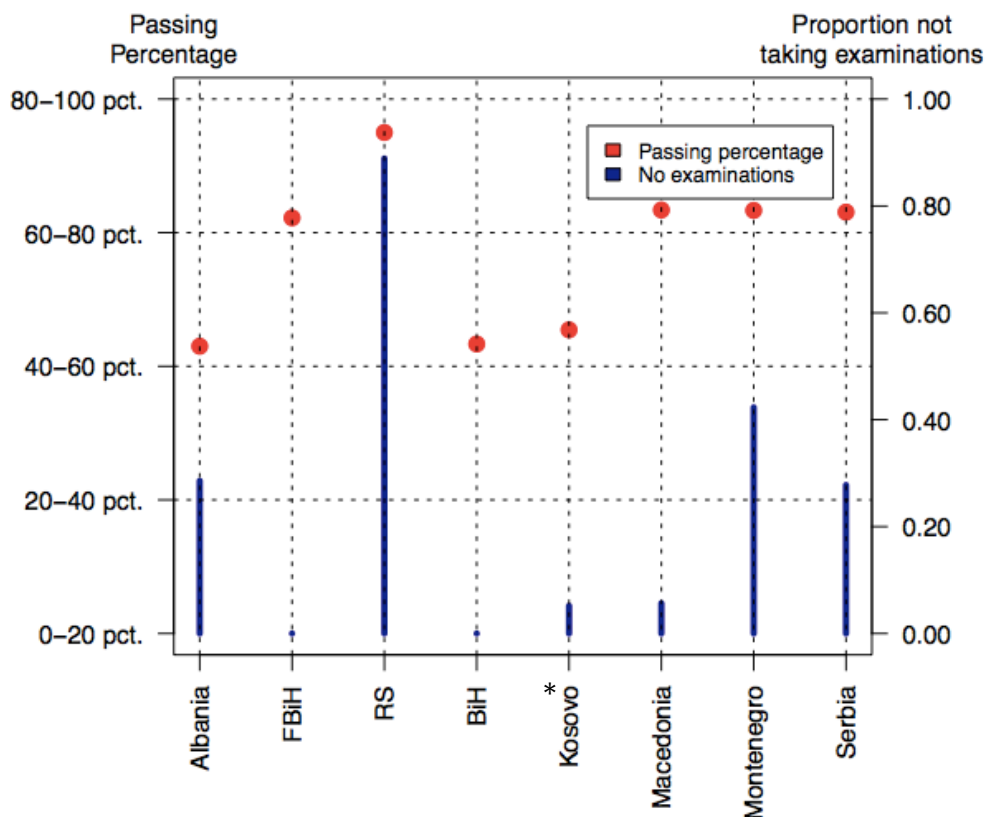
### Areas of improvement

Figure 4 and closer scrutiny of the survey results indicate that the degree of legal compliance is high in relation to the practice of conducting written examinations and personal interviews. However, the first point for improving the quality of merit recruitment concerns the lack and/or optional written examinations in RS and Serbia, for senior civil servants in Montenegro and for the top appointments in Kosovo\* and Macedonia. The regulatory framework for the implementation of merit recruitment is therefore characterised by several gaps across the region. Indeed, the comments collected through the online survey consistently recommend the compulsory application of written examinations in RS and Serbia to raise merit standards and institutionalise mechanisms to test the competences of candidates.

In addition, examinations systems perform much less well in relation to questions of merit standards, fairness and efficiency. First, written examinations are frequently

criticized for their lack of screening capacity, that is, they are too easy and often appear to test the wrong kind of skills and knowledge. A useful indicator for the difficulty of the exams is the ratio of candidates who successfully pass the exam. As shown by Figure 5, this ratio is between 40 and 60 per cent for Albania, BiH and Kosovo\* and between 60 and 80 per cent for Serbia, Montenegro, RS and FBiH. Taking into account that (senior) civil servants do sometimes not have to take an exam at all, Figure 5 suggests that in some cases exams are passed by well over 80 per cent of the candidates.

Figure 5: Passing rates for written examinations



Second, written examinations are frequently criticized for the inability to test relevant knowledge for a career in the civil service and the job to be filled. General knowledge tests that rely on multiple choice questions, for instance, reward candidates who are able to memorise factual knowledge. Multiple choice tests used for job-specific tests and personal interviews that ask legal and factual knowledge reinforce the tendency to assess memorisable knowledge rather than competences that are needed for the performance on the job.

As a consequence, examinations fail to produce adequate information in order to judge whether or not a candidate will be the best available one for a given job. In the worst case, candidates with specific skills needed for certain positions such IT skills fail to pass the general knowledge test and, as a result, a less qualified candidate must be recruited. Specific recruiting procedures for jobs that require rare skills might therefore be a measure to consider in the future.

Third, examination systems in the region tend to be relatively inefficient to manage. To be sure, this problem does not apply to Serbia and RS, which rarely use written examinations. However, the preparation of written examination, often consisting of several elements creates a considerable amount of workload for selection commissions. In Kosovo\*, for instance, selection commissions have to prepare examinations for four components, all candidates who meet the formal requirements are then eligible to sit the exam and selection commission will then have to mark the exams of all candidates. Bearing in mind that, on average, candidates have to answer twelve essay questions that are 150 words long, it is evident that the examination process requires a considerable time commitment from the commission members. The challenge of managing the workload is reinforced by the requirement to conduct examinations for each vacant position.

The problem of efficiency may be particularly notable in the highly decentralized system in Kosovo\*. Yet it also matters for most of ReSPA Members and Kosovo\*. The recent reform in Albania has reduced this kind of pressure, as permanent commissions administer the pool examinations. In terms of efficiency, this is a positive development.

Fourth, despite the fairly dense regulation of examinations, there are many reports that doubt the fairness of the overall examination process. Problems of bias appear in various forms. First, job-specific/specialized examinations tend to be shaped by the recruiting institutions. While there might be few alternatives, it is evident that the assessment of job-specific knowledge and the preparation of these exam components by the recruiting institutions tend to favour candidates from the same institutions. These candidates may be trainees or temporary employees and they may have well proven their value on the job. However, the tendency to recruit temporary employees from inside the civil service signals to potential applicants from outside that it is not worth applying for a given job in the first place. For the civil service this is a loss of potential capacity and a significant cost in terms of trust and credibility in the eyes of future applicants.

In addition, problems of fairness appear in relation to reports that exam questions are occasionally handed out in advance. These claims are difficult to ascertain. However, they reflect a concern that examination processes in the region are not always impartial. The problem of introducing bias through specialized exams as well as personal interviews applies across ReSPA Members and Kosovo\*. In the case of Albania, the problem has been mitigated thanks to the pool examinations. One of the positive effects has been a general increase in the number of applicants for publicly advertised positions.

Finally, it is important to point out problems of fairness related to the management of personal interviews. Personal interviews play a large role in Serbia, RS, Kosovo\* and Montenegro. Yet selection commissions are not given proper guidelines on the kind of information that is sought in the interview, the kind of questions that should be asked, the kind of ethical issues that appear in conducting interview, the criteria that are used to assess and score the performance of candidates in interviews. The absence of these guidelines inevitably generates problems of opaqueness, inconsistency and subjectivity. Central civil service management units and national governments should therefore consider the introduction of interview guidelines with clear criteria and, ideally, the development of competency frameworks to guide the entire examination process as well as other issues such as the systematization of positions.

FBiH represents a partial exception insofar as the Civil Service Agency recently developed guidelines for conducting competency-based interviews. The initiative has not yet been put into practice but promises to improve the effectiveness and fairness of personal interviews in the context of the recruitment procedure. The lack of procedural knowledge among commission members identified in the last section and the lack of adequate guidelines to manage personal interviews are closely related and obviously two sides of the same coin.

In sum, examination systems have been established and they are widely implemented across the region. However, as the heart of modern merit recruitment systems, there is considerable room for improvement for examination systems to improve the capacity to identify the most competent candidates for a career in the civil service and the jobs at hand.

In terms of

- Improving the quality of regulation, efforts should be made to complete the legal framework, in particular, by requiring written examinations in RS and Serbia.
- Improving merit standards and the informational basis for examiners, measures should be considered to raise the standards of examinations and to provide clearer guidelines for examiners. This will involve the development of competency frameworks in order to provide clear criteria for (written and oral) examinations. It will further involve the development of assessment methods that are more effective at identifying competence levels of candidates. Consideration should be given to a mix of methods as well as the introduction of assessment centres to allow for the comprehensive testing of candidates. Efforts should also be made for examinations to be more discriminatory among candidates. To put it another way, examination pass rates of 50+ per cent should be avoided.
- Improving efficiency of the examination, measures should be taken to delegate more aspects of the examination to central civil service management units and/or central training units. This recommendation is especially relevant for Kosovo\*. To a lesser extent it also matters for Serbia. In particular, a more comprehensive examination of candidates should be conducted by central units. The recent reform in Albania serves as an example of good practice.
- Improving the fairness of the examination, efforts should be taken to modify the role of recruiting institutions in the examination process. The pool recruitment procedure in Albania provides a recent example of good practice, as it delegates the power of selection to candidates. Alternatively, measures should be considered to separate the comprehensive assessment of general and/or area-specific competences (see above) from the assessment and selection for an individual job.

## **2.5. Ranking and final selection**

Merit recruitment assumes that the competitive examination procedure leads to the ranking of candidates on the basis of merit and the final selection of the best available person for a career in the civil service or the job at hand. ReSPA Members and Kosovo\* take different approaches to ranking and final selection of candidates. From an institutional perspective, only Albania, BiH and Kosovo\* meet the basic standards for



merit recruitment. By contrast, for Serbia, FBiH, RS and Montenegro there is room for improvement.

Four approaches to the ranking and final selection of candidates can be distinguished in the region. First, in Albania, Kosovo\*, BiH and in the new Macedonian system the selection of the final candidate is largely determined by the examination system. Candidates who pass a certain threshold are ranked on the basis of the exam result. The top-ranked candidate is then selected for the job at hand. In Kosovo\* and Macedonia, the selection of the top-ranked candidate is 'confirmed' by the Secretary General and State Secretary respectively. In BiH, the Civil Service Agency confirms the selection. In Albania, candidates (as opposed to commissions and/or heads of institutions) select a vacant position. According to the new pool recruitment system, the top-ranked candidate picks first, then the second ranked candidate, until all vacant positions are filled with candidates who had passed the threshold. The remaining candidates stay on a waiting list for future job openings.

Second, in FBiH the ranking and selection system is similar insofar as the final list consists of the candidates who passed a certain threshold in the specialized examination. Yet the exam results do not determine the final selection of one candidate. Rather, the successful candidates are alphabetically ordered and the head of the institution is responsible for the selection of the final candidate.

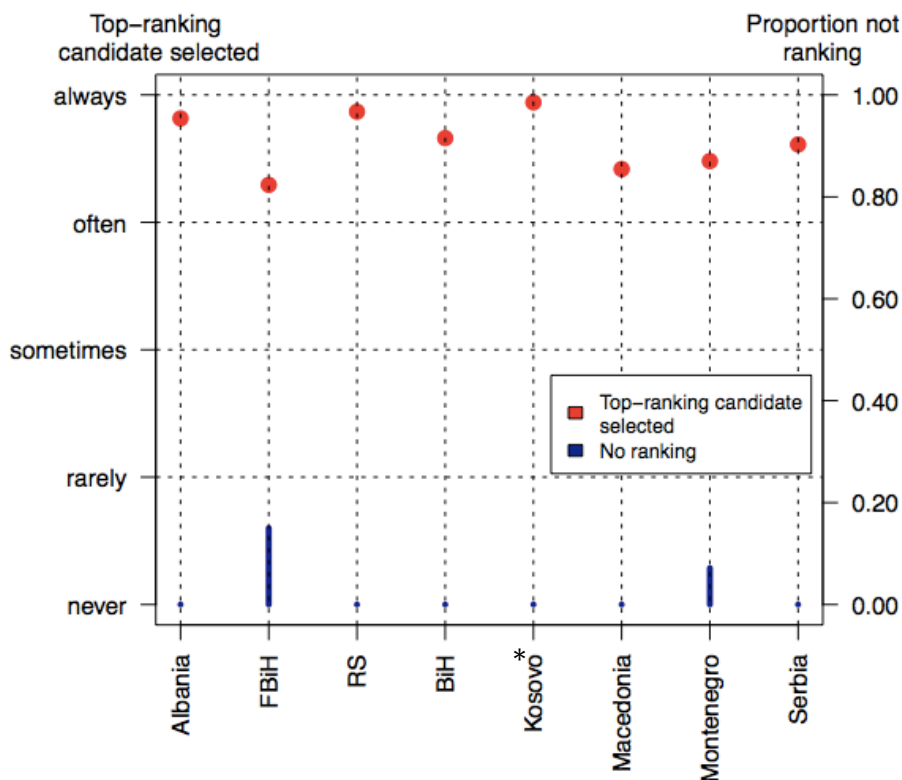
The selection approach introduces flexibility especially when the capacity of the examination to spot the best-qualified candidates is occasionally questioned. However, the head of the institution, that is, the Minister or Director of a non-ministerial body does usually not participate in the examination process. He or she is charged with the selection of a candidate without having witnessed the performance of the candidates and even without knowledge of the exam result and ranking on the final list of candidates. Inevitably, the mode of selection introduces inconsistencies and arbitrariness into the recruitment system.

Third, in Serbia and Montenegro candidates also have to pass a threshold to be ranked on the final list of candidates. However, in contrast to the previous cases, the selection commission merely prepares a short-list of candidates. That is, not all successful candidates make it on the list but only the top three in the case of Serbia and the top five in the case of Montenegro. Even though candidates are ranked in accordance with their exam performance, there is no requirement for the head of the institution to select the highest ranked candidate.

The experience from Montenegro suggests that in more than 30 per cent of the cases, the top-ranked candidate is *not* picked. In this case, the head of the institution is required to justify the choice. However, evidence suggests that justifications are rarely substantive and do not provide a satisfactory explanation for unsuccessful candidates. The lack of respect for the examination outcome contributes further to the lack of trust in the fairness of the examination system. By implication, in Serbia and Montenegro appeals are frequently launched against the outcomes of the procedure rather than the conduct of the procedure itself. The contestation of the results is likely to be related to the lack of consistency when it comes to the final selection of candidates.

Finally, RS differs slightly from the previous cases, in that the selection commission prepares a proposal for the head of the institution that typically consists of one 'suitable' candidate. It should be remembered first of all that the proposal is prepared entirely on the basis of the personal interview leading to a one-person shortlist. The head of the institution may then reject the proposal but common practice suggests that this happens only rarely. It can be expected here that there exists a general consensus between heads of institutions and selection commissions, as the former appoint the latter. Selection commissions will therefore know in advance what type of candidate will gain the approval of their superior.

Figure 6: Selection of top-ranked candidates



The survey results reflect differences in the legal basis. Generally examinations are concluded with the ranking of candidates on a list. However, in Albania, RS and Kosovo\*, the top-ranked candidate is fairly consistently selected at the end of the process. In Montenegro, Serbia, Macedonia and FBiH, this is not the case. Even if the mean scores for the survey question indicate that the top-ranked candidate is 'often' selected, differences among ReSPA Members and Kosovo\* are evident, as one can identify a much larger proportion of institutions within ReSPA Members and Kosovo\* that do not 'always' select the top-ranked candidate. Moreover, one should take into account that many respondents do not consider the alphabetical rankings in FBiH meaningful at all.

### Areas for improvement

The findings point to several areas for improvement in relation to the ranking and selection part of the recruitment procedure. First, an important area for change concerns the upgrading of the institutional framework. From the standpoint of merit recruitment,

it should be required that candidates are ranked on the basis of the examination result and the top-ranked candidate should be offered the job. The legal basis should be revised accordingly by ReSPA Members and Kosovo\* that do not yet require this.

Second, the current use of discretion not to select the top-ranked candidate and the insufficient justification of the choice undermines the credibility of the entire recruitment procedure. This problem is particularly relevant for ReSPA Members and Kosovo\* that allow for selection from open lists of candidates.

Third, rankings are even contested in the civil service of ReSPA Members and Kosovo\* that do require the selection of the top-ranked candidate at the end of the examination process. Research interviews and the qualitative feedback collected through the online survey indicate that selection commission take advantage of insufficiently defined assessment criteria, in particular, in the context of personal interviews to shape the outcomes of the examination process. In this context, Albania is a major exception because, for the entry-level recruitment procedure, it has delegated the selection decision to the candidates.

Fourth, another, often overlooked, weakness of the ranking and selection procedure is the responsibility of the head of the recruiting institution to make the final selection decision. In Serbia, RS, FBiH, Montenegro and, with qualifications, BiH this is usually, as mentioned above, the Minister or Director of a non-ministerial body. While it is understandable why from a constitutional point of view the Minister as head of an executive branch ministry is responsible for personnel policy within his jurisdiction, it creates a number of problems for the selection of personnel.

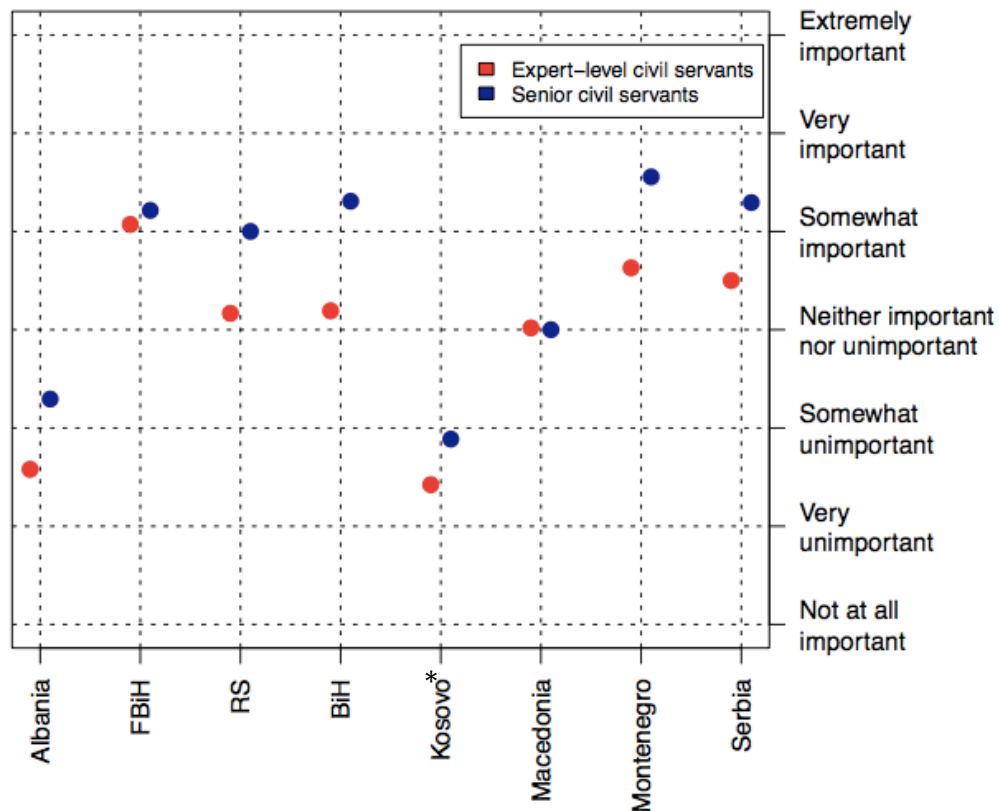
Ministers, in particular, do typically not sit on the selection commissions. They are hence charged with the selection among candidates whom they might have never met before and, indeed, they might not even have much information about their performance during the examination (as is the case in FBiH). Moreover, the Minister as member of the cabinet is, by definition, a non-permanent member of the administration. Yet he or she is charged with the appointment of permanent civil servants who are meant to stay in office for longer than a government term and who, in a democracy, are expected to serve successive governments consisting of different political parties.

Finally, even if Ministers are merely charged with the confirmation of an examination process such as in BiH, it is plausible to expect that the formal role at the end of the recruitment process generates political interest to be also involved – informally – at the earlier stages. The formation of selection commission is a good example. For several ReSPA Members and Kosovo\*, it is the Minister who nominates the representatives of the recruiting institution. The observation that selection commission are not always impartial might therefore, in part, be traced to the role of Ministers at the beginning of the recruitment procedure. The delegation of final selection powers to Ministers and Directors who are mostly political or semi-political appointments does therefore undermine impartiality and breed political interference during the recruitment process.

The overall importance of ministers in the recruitment process is reflected in Figure 7. For ReSPA Members and Kosovo\* that delegate final selection powers to the Minister, the average answer indicates that he or she is 'somewhat important'. This result takes into account that Ministers are, on average, less important for subordinated institutions and

independent agencies. For ministries, the Minister often plays a ‘very important’ role in the recruitment process. At the same time, the figure indicates that the formal institutional basis affects for the perceived importance of ministers. In the case of Albania, Kosovo\* and even Macedonia, the Minister is a relatively less important decision-maker.

Figure 7: Importance of ministers



Given the prominent role of Ministers in the recruitment process, we examined the impact of ministerial importance on the compliance with legal requirements and the outcomes of the recruitment process. The findings from the survey indicate very clearly that merit procedures are less consistently applied the more ministers are involved. Moreover, it is less likely that the best available candidate is picked the more Ministers intervene in the selection process.

In sum, the final stage of the recruitment procedure is arguably least compatible with the principles of merit recruitment. Several areas for improvement can be identified.

In terms of

- Improving the quality of regulation and aligning it with the principles of merit recruitment, measures should be taken to require the exam-based ranking of candidates and the mandatory selection of the top-ranked candidate at the end of the process.
- Improving the regulation and aligning it with the principles of merit recruitment, measures should be considered to reduce the role of Ministers in requesting job

openings, forming selection commissions and taking the final selection decisions. This recommendation applies to only some of the Western Balkan countries.

- Improving the fairness of the final selection, it will be important to first amend the institutional framework requiring the selection of top-ranked candidates as outlined above.

### **3. Implementation capacity**

So far the analysis has shown that the institutional basis of merit recruitment is by and large in place for ReSPA Members and Kosovo\*. Several areas require institutional upgrades but the basic frameworks are in place. The analysis has also shown that merit rules are routinely applied in practice. Minor implementation gaps exist in several countries but on the whole it is fair to say that the compliance with legal requirements appears to be high.

However, the analysis has also pointed to other factors that undermine the quality of implementation. Insufficient information and training for relevant decision-makers, for instance, inevitably undermines the smooth functioning of the recruitment procedure. Moreover, problems of fairness and impartiality run through all stages of the recruitment procedure and raise concern in relation to the support of decision-makers for the proper implementation of the procedure. Both the level of knowledge and concerns over the willingness to properly apply the recruitment procedure point to wider concerns over the implementation capacity of institutions across the civil service.

In the remainder of this section, we examine in more detail the capacity of the main stakeholders of the recruitment procedure. We will begin with the capacity of personnel departments before moving to the coordination between recruiting institutions and central civil service management units. We then explore the perspective of senior civil servants, politicians and applicants as key stakeholders of the procedure. The section closes with the discussion of monitoring and enforcement capacity.

#### **3.1. Capacity of personnel departments**

Personnel departments of recruiting institutions play a critical role in determining the capacity to implement the merit recruitment procedure across the civil service. Personnel departments have received growing attention in recent years. While the first generation of international assistance focused on the development and adoption of civil service laws, the second generation has drawn attention towards the establishment and capacity of central management institutions such as civil service agencies and central training institutes. Yet difficulties to implement civil service laws suggest the need to invest in HR capacity at the level of individual institutions and the need to consider the coordination with the central management institutions.

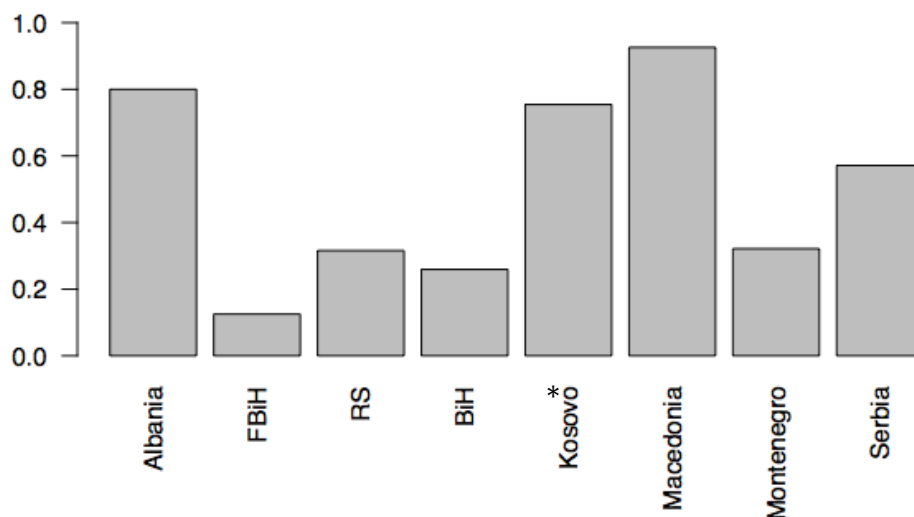
This study found that the capacity of HR units in the Western Balkans remains, on average, low. Personnel management has traditionally been the responsibilities of general affairs departments of ministries and non-ministerial bodies. In Serbia, BiH, FBiH,

RS and Montenegro, personnel managers used to report to the Secretary of the Ministry.<sup>6</sup> In Macedonia, Kosovo\* and Albania they would report to the State Secretary and General Secretary respectively.

In some countries like Macedonia, the initiative to establish separate HR departments goes back to the first public administration reform strategy that was passed in 1999. Over time, most institutions have hence set up such departments and this has become largely accepted practice. In other countries such as BiH the awareness has arisen more recently that it would be beneficial to establish a separate personnel unit. In Kosovo\*, for instance, all institutions covered by the civil service law are required to have at least one person responsible for personnel management. Whether or not an institution also establishes a personnel division or department depends on the size and status of the institution. There is hence no uniform policy across the region.

In practice, it appears that the establishment of personnel departments is still lagging behind in the civil service of several ReSPA Members and Kosovo\* (Figure 8). In Albania, Kosovo\* and Macedonia, it is common to find separate personnel departments that are led by a head of sector or department and report to the General Secretary. In Serbia, around 50 per cent of the institutions surveyed have a separate personnel department. By contrast, in BiH, FBiH, RS and Montenegro, it is much less common to find separate personnel departments. In most cases, personnel management is part of the general affairs departments.

Figure 8: Proportion with separate HR units



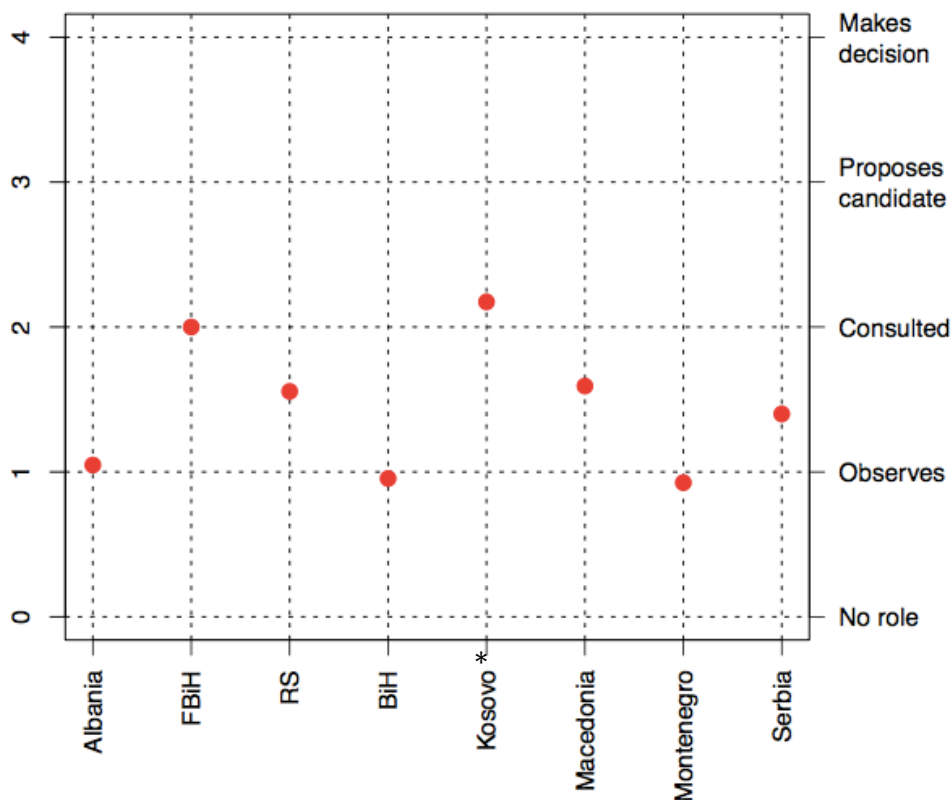
<sup>6</sup> The Secretary General in Montenegro used to be labelled 'Secretary of the Ministry' before the last civil service reform.

While the formal establishment of personnel departments can serve as an indicator of capacity, it has to be recognized that these departments tend to be small. In most countries, personnel departments employ merely two or three persons. In some cases in Macedonia and Albania, personnel departments consist of only one single person. Yet there are notable exceptions. In particular, ministries of defence and security tend to employ more staff to manage personnel within their jurisdiction.

Among the institutions that have not established separate personnel units, it is most common to find one and rarely more than two persons who are responsible for personnel affairs. In practice, this means that the overall number of staff working on personnel management in Montenegro, BiH, FBiH and RS is very small. Inevitably, it is difficult for these civil servants to effectively manage the recruitment process.

Our research found that personnel managers and their departments are generally very supportive of the recruitment procedure. Yet the lack of institutionalization and low number of staff who work on personnel management prevents personnel departments from having a more prominent role in the recruitment process (Figure 9). In most cases, they merely administer and observe the process. This is especially evident for Montenegro, BiH and RS. Yet even in FBiH, Serbia and Macedonia, the personnel units do rarely take a more proactive role in the process and there is a general sense that personnel departments lack HRM/HRD expertise.

Figure 9: Involvement of HR units in recruitment



The small role of HR directorates in Albania results from the centralized recruitment procedure. Their role is largely limited to the preparation of the lateral transfer and internal promotion procedure. Given the presence of separate HR directorates and sufficient staff to manage personnel, it might be efficient and effective to grant them more responsibilities for the management of the lateral transfer and the internal promotion procedure.

By contrast, the comparatively larger role of HR departments in Kosovo\* stems primarily from the decentralized management of the recruitment procedure. HR departments prepare the advertisements, in most cases they set the examination on behalf of the selection commissions and they sit around the table during the examination and interview process. Their influence is hence naturally larger than in the other countries.

Finally, we examined the expertise base and needs of personnel departments across the countries. The survey suggests first of all that the large majority of personnel managers and their staff are law graduates. In Albania and Kosovo\*, one finds a slightly larger proportion of social scientists. The predominance of law graduates reflects the legalistic tradition, in particular, in the countries of former Yugoslavia. It also resonates well with the formal institutionalization of the civil service and the high degree of legal compliance with the merit recruitment procedure shown above.

Experts in human resources by contrast are found only very rarely. Accordingly, the feedback from the survey suggests a major need and interest among personnel managers to receive more training on all aspects of human resources management. Central civil service management units tend to provide training, in particular, after the adoption of the new civil service laws in Albania, Montenegro and Macedonia. However, there is a general sense that personnel departments need more support when it comes to HR planning, the management of the examination and, in particular, the interview part of the procedure.

### **Areas for improvement**

In sum, personnel departments play a critical role in relation to the implementation of the merit recruitment procedure across the civil service. While the basics are in place in several countries, there is considerable scope for improvement.

In terms of

- Developing the institutional capacity, there is an obvious need to strengthen personnel departments in most countries of the region. The capacity gap is particularly evident in BiH, FBiH, RS and Montenegro.
- Developing the expertise base, efforts should be made to provide more HRM specific training for personnel departments and their staff in order to improve the implementation and monitoring of the procedure.
- Developing the position of personnel departments, measures should be considered to develop them into more proactive participants of the recruitment procedure.



### **3.2. Coordination between personnel departments and central civil service management units**

The capacity of recruiting institutions to implement the recruitment procedure is influenced by the coordination between personnel departments and central civil service management units. Without guidance and cooperative relations, it is difficult for personnel departments to effectively implement the procedure.

In earlier sections, we discussed how central management units differ in the extent to which they are involved in the recruitment procedure. In Albania, the Department of Public Administration manages most of the advertisement and examination process, in particular, when it comes to external recruitment. By contrast, in Kosovo\* the Department for Civil Service Affairs located in the Ministry of Public Administration is not involved beyond the approval of the job openings. In the other countries, central units and institutions share responsibilities in the management of the recruitment procedure.

It should be stressed first of all that central management units are the main 'owners' of the civil service law and, by implication, the recruitment procedure.<sup>7</sup> They hold more information than other participants of the recruitment process and they are arguably the most supportive stakeholders of the procedure. The personnel departments are therefore important partners for the central management units, as they are their extended arm into the recruiting institutions as much as the personnel departments serve the interest of their own home institution.

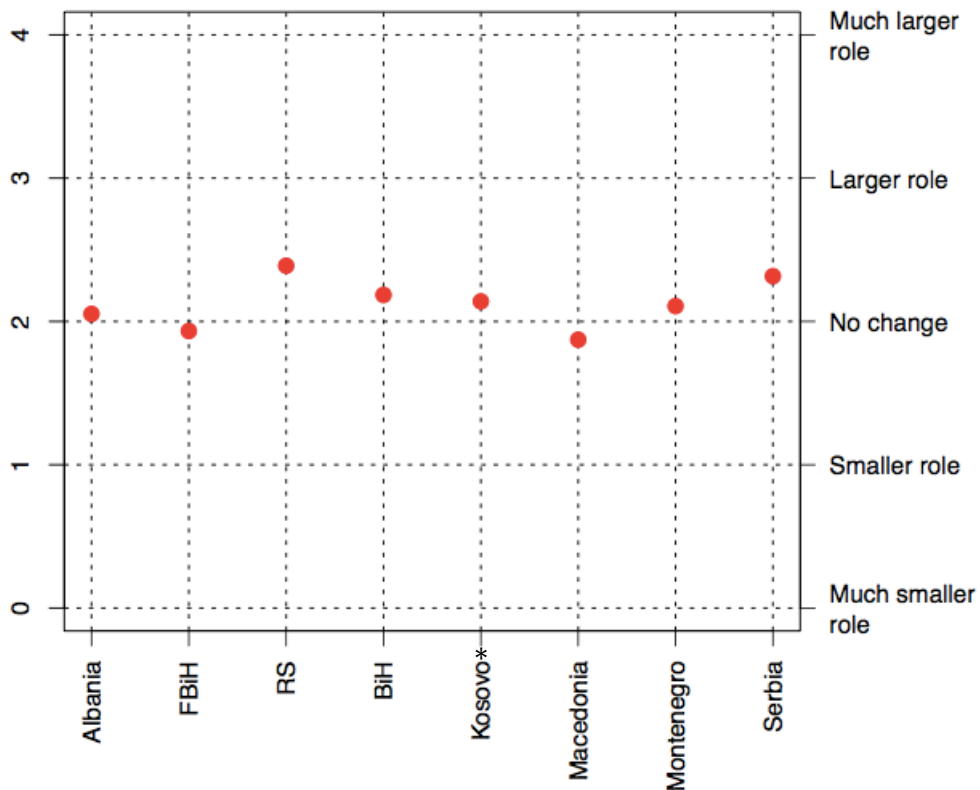
In the context of this study, we therefore asked personnel managers how they rate the quality of coordination and in what ways they would prefer to amend the role of central management units in the recruitment process. The findings indicate that recruiting institutions rate the quality of coordination highly. The large majority of respondents consider the quality of coordination to be either very good or excellent. BiH differs slightly from the overall picture, as some 15 per cent of the respondents refer to problems of coordination across institutions.

Moreover, there is little appetite for a change in the role played by central units. The modal answers for all ReSPA Members and Kosovo\* is 'no change' and hence continued collaboration within the existing framework. When looking more closely at the responses, it is evident that the satisfaction is especially high in RS and Montenegro, as more than 75 per cent of the respondents favour the status quo.

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<sup>7</sup> This also applies to the Department of Civil Service Affairs in Kosovo\*, even though it plays a much less prominent role in the recruitment process.

Figure 10: Change of central civil service management authority's role



In the other cases, it is possible to identify minor trends in favour of more/less central involvement in the recruitment procedure. For BiH, Kosovo\* and Serbia the answers suggest a slight preference in favour of more central involvement. In all three cases, this is reflected in approximately 30 per cent of the responses. For Serbia, for instance, feedback from the survey suggests interest in an expansion of the written examination procedure, which could be partially managed by the central Human Resources Management Service. For Kosovo\*, similarly, there is a preference for more involvement of the Department for Civil Service Affairs in order to relieve the personnel departments in the recruiting institutions from managing the advertisements and the examination of candidates.

By contrast, for Albania, there is slight preference for a smaller role of the Department of Public Administration in the recruitment process. The qualitative feedback indicates that the pool recruitment procedure is largely accepted by the recruiting institutions. However, as proposed above, there is scope for a larger involvement of the HR directorates in the management of the lateral transfer and the internal promotion procedure. However, it should be said that there is no consensus among respondents as to the role of the Department of Public Administration. While we can identify around 30 per cent of the respondents in favour of less central involvement, we also found nearly 25 per cent in favour of a stronger central role. The role of the Department of Public Administration in the recruitment procedure after the adoption of the new civil service law is hence not yet fully settled.

While the relationship between central management units and recruiting institutions is largely cooperative, it should be recognized that in most countries additional institutions are involved in the management of the recruitment procedure. In Serbia, for instance, the Ministry of Local Government and Public Administration and the Ministry of Finance are involved in the approval of systematization acts and staffing plans. In Macedonia, there are the Ministry of Information Society and Administration, the Agency for Administration and the Ministry of Finance that play similar roles. In Montenegro, the Ministry of Finance is part of the recruitment process.

The survey responses suggest that the coordination with Ministries of Public Administration (or equivalent) is largely cooperative and characterized by mutual support. The coordination with Ministries of Finance is viewed with some scepticism, which primarily reflects their gate-keeping role at the time of approving job openings.

### **Areas for improvement**

Overall, the findings of this study suggest that the coordination between personnel departments and central civil service management units is an area that works remarkably smoothly. The main area for improvement concerns the relations between recruiting institutions and Finance Ministries in the context of the initial approval of job openings. Measures should be considered to facilitate this part of the procedure.

### **3.3. The role of senior civil servants**

Senior civil servants tend to receive much less attention in evaluations of civil service reform and management. Yet they play a critical role, as many of them are occasionally members of selection commissions. Moreover, they are the future superiors of professional civil servants who are recruited into the civil service or promoted to a higher-ranking position. Senior civil servants therefore have an instrumental perspective on the recruitment procedure, in that they are the users of the procedure rather than its owner. In addition, senior civil servants are occasionally in the role of applicants when they seek employment or promotion to the senior civil service.

The importance of senior civil servants is well reflected in the findings of the online survey. Together with Ministers, personnel departments and central civil service management units, they are the most important actors for the recruitment and selection procedure. Moreover, as Figure 11 shows, senior civil servants are, by and large, supportive of the recruitment procedure. The somewhat lower levels of support in Kosovo\* might be related to the workload involved in preparing and managing the examination procedure. This perspective clearly indicates scope for stronger involvement by the Ministry of Public Administration.

Figure 11: Knowledge and support of senior civil servants

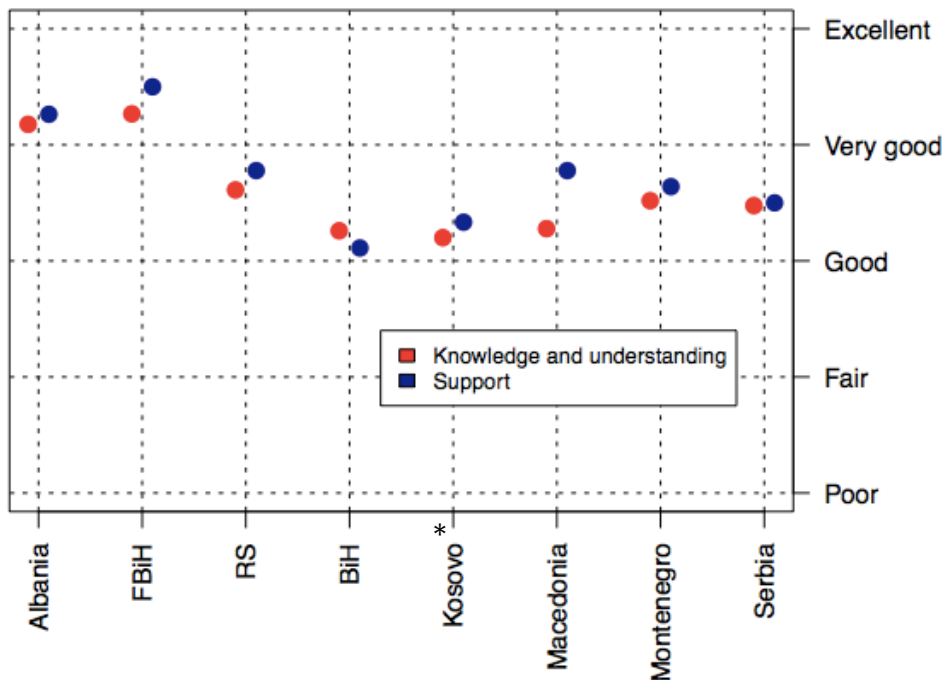


Figure 11 also indicates that, on average, senior civil servants possess a fairly good understanding of the recruitment procedure. However, when looking more closely at the responses, it is apparent that especially in Macedonia, Kosovo\*, Serbia and BiH there are 20 – 25 per cent of the respondents who rate the knowledge of senior civil servants to be low or fair at best.

Moreover, the qualitative feedback from the survey suggests that senior civil servants would, as members of the selection commissions, benefit from more support such as the preparation of guidelines for the conduct of written examinations and personal interview. This reflects their status as ad hoc members of selection commissions. The responses also ask for more training and guidelines in Macedonia as a result of the adoption of the new civil service law.

### Areas for improvement

In sum, senior civil servants are clearly very important for the quality of implementing the recruitment procedure. The position of senior civil servants for the future development of the procedure depends to some extent on the choice of examination systems, that is, their role is less important in the context pool examinations, which tend to rely on permanent selection committees. Because ReSPA Members and Kosovo\* rely primarily on ad hoc selection commissions, it will be important to develop the knowledge base and the attitudes of senior civil servants towards merit recruitment.

In terms of

- Improving the knowledge base of senior civil servants and hence their capacity, measures should be considered to provide guidelines and, conceivably, training to support their role on selection commissions.<sup>8</sup>
- Improving the role of senior civil servants in ensuring the fairness and reliability of the recruitment procedure, central civil service management units, ideally in collaboration with NGOs and international organization, should consider mechanisms for exchange among senior civil servants in order to disseminate and deliberate the benefits and challenges of merit recruitment, practical experience with the recruitment procedure and internal and audit and inspection reports of public administration. These measures will be essential to increase the commitment to impartiality and high merit standards among senior civil servants when implementing the recruitment procedure.

### **3.4. The role of the political leadership and members of parliament**

Strictly speaking, the principle of merit recruitment assumes that politicians have neither a direct nor indirect role in the staffing of the civil service. Under conditions of merit recruitment, their role in the decision-making process is minimal and considerations of political allegiance are not relevant for final selection decisions.

The discussion above indicated already that Ministers are involved in the recruitment procedure in the civil service of several ReSPA Members and Kosovo\*. Their role is not just formal but many of them appear to take a proactive approach, which is reflected in the perceived importance of Ministers in determining the outcomes of recruitment processes.

In the present discussion, we will expand the perspective by also examining the position of Deputy Ministers, State Secretaries and advisors as members of the political leadership of administrative bodies and the position of Members of Parliament in relation to the recruitment procedure. First, political appointees tend to be examined primarily in relation to the formal-legal boundary between politics and administration (see also above). Formally, they do usually not play any role in recruitment and selection processes. But as trusted aides of the Minister as head of the institution and as positions located at the apex of the institutional hierarchies, they tend to play, almost inevitably, an informal role when it comes to the selection of permanent staff.

By contrast, Members of Parliament have a formal but merely secondary role in the recruitment and selection process. They are involved in the recruitment of civil servants for the administration of Parliament as much as Ministers are involved in the recruitment of staff for ministries and subordinated institutions.

In addition, Members of Parliament are involved in appeal and oversight procedures (see also below). The Independent Oversight Board in Kosovo\*, for instance, is an institution of Parliament that is involved in the recruitment and selection of senior civil servants and in the monitoring of the procedure. The Administration Agency in Macedonia, which is

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<sup>8</sup> This and the next measure align with proposals made for the improvement of selection commission above.

administering the examination procedure, remains an institution of Parliament. Moreover, the Civil Service Commission in Albania acts as an appeal and monitoring institution that reports to Parliament.

Apart from these functions, it should be emphasized that Members of Parliament vote on the civil service law of their country. While central civil service management units are the owners of civil service laws on a day-to-day basis, Members of Parliament are the ultimate owners of these laws. Their position should therefore be given an adequate level of attention in relation to the management of the recruitment procedure.

The findings from the study indicate that Deputy Ministers, State Secretaries and advisors do indeed play a role in the implementation of the recruitment procedure. Their role is – as one would expect – somewhat less relevant than the role of Ministers but it must still be regarded as notable in light of the lack of formal responsibility.

Closer scrutiny of the responses further suggests important differences between the countries, in particular, when assessing the importance of the political leadership for senior civil service appointments. First, for FBiH, BiH, Montenegro and Serbia, 80 per cent of the respondents consider Ministers to be ‘somewhat important’, ‘very important’ or ‘extremely important’. For Deputy Ministers and State Secretaries, it is notable that in BiH, Montenegro and Serbia, well over 60 per cent consider their role to be important.

By comparison, Members of Parliament have, on average, a somewhat less important role when determining recruitment and selection outcomes. Yet especially in BiH, there seem to be attempts to influence recruitment processes, as around 40 per cent of the respondents consider Members of Parliament as somewhat, very or extremely important.

Figure 12: Important actors in the selection of senior civil servants

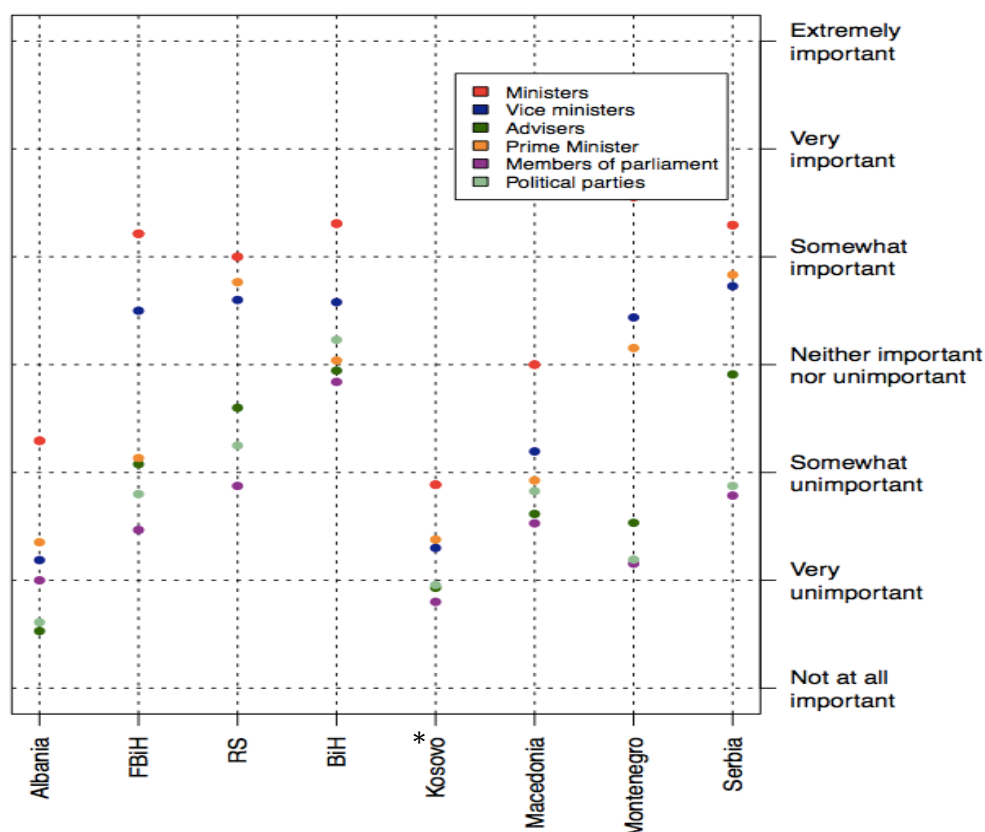
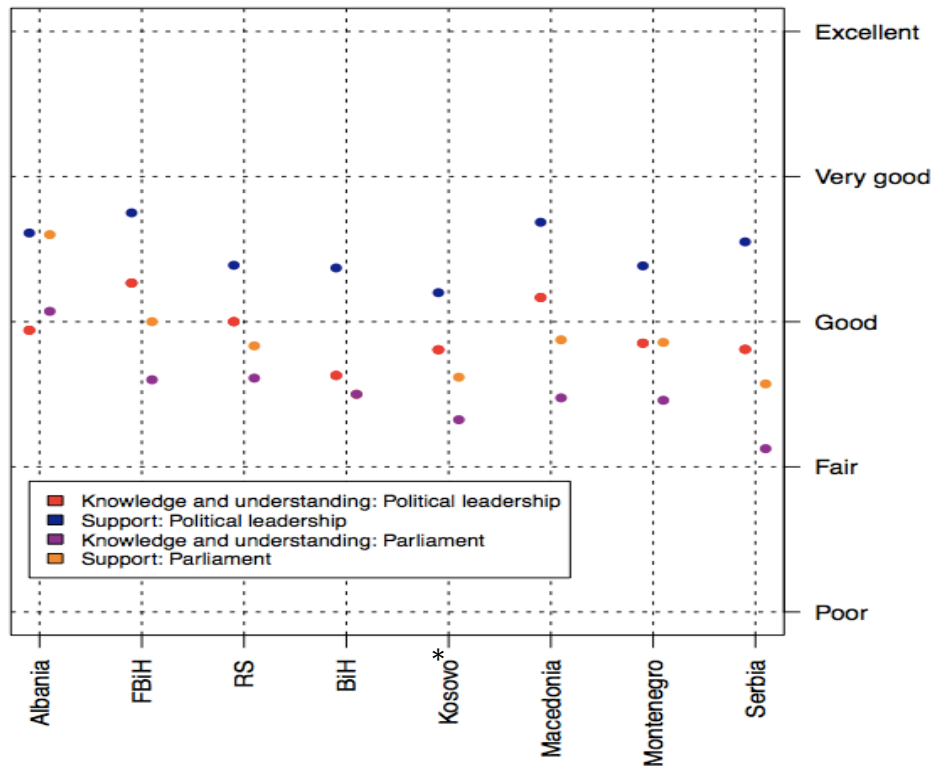


Figure 13: Knowledge and support of political leadership and parliament



We further explored the extent to which the political leadership (Ministers, Deputy Ministers, State Secretaries, advisors) and Members of Parliament support the merit recruitment procedure or view it critically. To be sure, it is extremely difficult to measure attitudes of this kind precisely. Moreover, the assessments of personnel managers of recruiting institutions will inevitably be subject to some form of social desirability. Yet they provide a starting point for future assessments of attitudes and incentives of politicians to implement the merit recruitment procedure in their work environment.

The findings of the study suggest that the political leadership of ministries and non-ministerial bodies is largely supportive of the recruitment procedure. There are only small proportions of respondent that rate the support of the political leadership as low. The knowledge base of the political leadership is evaluated more critically. While the average response suggests that Ministers and their political assistants possess a reasonably good knowledge of the procedure, close scrutiny also finds several outliers. For BiH, Montenegro, Serbia, Kosovo\* and Macedonia the political leadership, there are 35 to 40 per cent of the respondents who rate the level of knowledge as low or fair at best. This finding is indeed problematic for countries in which Ministers are formally charged with the initiation of the recruitment process, the formation of commissions and the final selection of candidates.

By contrast, among Members of Parliament there appears to be much less support for the procedure and, in particular, there appears to be much less understanding of the recruitment procedure. Again, the differences between the countries are rather small. Albania is an exception here in that Members of Parliament appear to be more involved

and more knowledgeable of the recruitment procedure. The result is likely to stem from the recent civil service reform and the start of the implementation after the last parliamentary elections.

Looking more closely at the responses within countries, it is evident that in Serbia and Macedonia the level of knowledge of Members of Parliament is rated as low or fair for over 60 per cent of the institutions. In fact, for RS, BiH and Kosovo\* the same response is given for more than 50 per cent of the institutions. In other words, the knowledge base of Members of Parliament is often considered to be relatively low.

### **Areas for improvement**

In sum, the findings of the study suggest that there is considerable scope for developing the understanding of Members of Parliament in relation to the recruitment procedure and the civil service more generally. To be sure, one would expect that Members of Parliament be less informed than personnel managers and staff of central civil service management institutions, as they do not operate the procedure on a daily basis. However, Members of Parliament play an important monitoring role and we would expect that they are able to perform such a role more effectively if they are better informed.

In the Western Balkans there are several innovative initiatives that have sprung up over recent years and that aim to build the capacity of Members of Parliament. For instance, the Regional Academy for Democracy that is jointly run by several civil society organizations from the region and supported by the European Union and other regional and international organizations targets primarily young politicians. It engages in networking activities, exchange and provides opportunities for capacity building among politicians from across the region. One of the recent initiatives focused on 'good governance and institution-building' in the region. The example suggests that there is scope for involvement and development of Members of Parliament in monitoring and supporting the good implementation of merit recruitment procedures in the region. There is scope for enhancing their knowledge of the recruitment procedure and, even more important, for engaging them in critical deliberation of the benefits of merit recruitment and the practice that can be observed across public administration.

## **3.5. The quality of applicants**

Naturally, applicants play a critical role in the recruitment procedure, as they are the subjects of the process. Yet we still know fairly little about the perspective of applicants on the procedure, the number of applicants for each competition and the quality of people who apply for jobs at different levels in the civil service.

In particular, the number and quality of applicants are crucial questions, as they determine the competitiveness of the process and the quality of outcome that is possible. Ideally, the civil service attracts high calibre candidates from the best universities. However, salary levels, working conditions and job opportunities in the private sector are relevant factors that affect the number and quality of applicants.

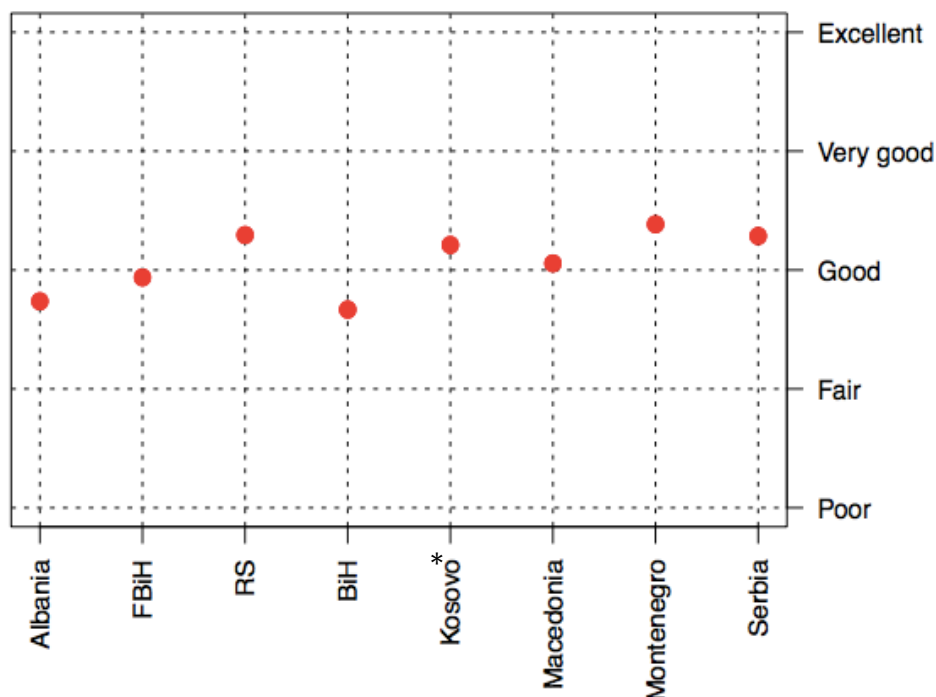


In addition, one might need to look more closely at the quality of higher education programmes, as this is the place where applicants acquire the foundations for their work as future civil servants. In fact, even the best merit recruitment procedure cannot deliver civil service capacity if the applicants lack adequate skills, that is, the selection of the 'best available' candidate would still lead to an inferior outcome.

The evidence that we collected in the context of this study suggests that application numbers are highly variable across countries, institutions and positions within institutions. Personnel managers indicate that internal promotion and transfer procedure tend to attract only very few if any applicants, in particular, in small institutions. This pattern is consistent across the countries. For public advertisements, application numbers vary between five and ten for countries such as Montenegro and ten, twenty and more for Kosovo\*, Serbia, Albania and Macedonia. In BiH, FBiH and RS the number of applicants at the professional civil service level tends to be even higher.

It is also evident that application numbers are much lower for senior positions and for jobs that require rare skills. IT specialists, for instance, can earn higher salaries in the private sector. It is therefore difficult to attract them at all to the civil service. In the case of senior civil servants, low application numbers are also related to the more complex competence profile. In addition, there is a tendency that personal trust and political loyalty play a relatively more important role for the selection of senior civil servants.

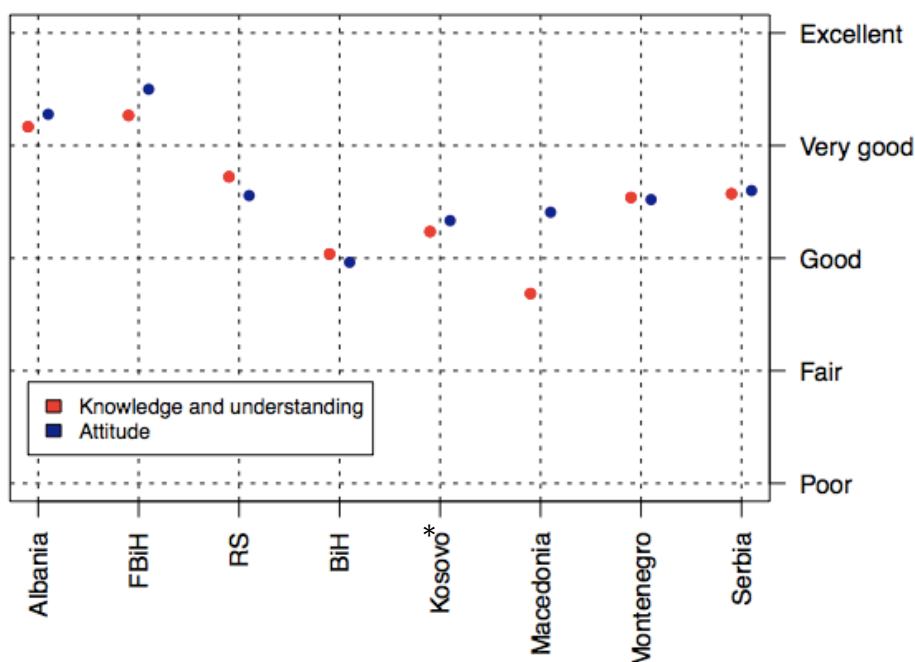
Figure 14: Applicant quality



It is far more difficult to capture the quality of applicants. The feedback from personnel managers is mixed. In most cases, they consider applicants to be of a reasonable standard. Respondents from Albania and BiH are relatively more critical in both cases; there were several institutions that consider the quality of applications to be low. In Albania, these are primarily central government ministries. In BiH, it was evident that institutions that require specific expertise, for instance, in economics, finance and engineering struggle to attract strong candidates. It is also noteworthy that the respondents from the municipality levels in Macedonia and Kosovo\* are, on average, more critical of the quality of applicants. This is likely to be related to the greater difficulty of attracting strong candidates in remote areas.

It is difficult to say why exactly the number and quality of applications is occasionally judged to be low. The evidence from personnel managers suggests that the high unemployment rates tend to increase the number of applications per job opening. However, low salary levels across the public sector act as a deterrent. On balance, this is likely to mean that application numbers are often high but the best candidates do not apply for jobs in civil service but prefer the private sector.

Figure 15: Knowledge, understanding, and attitude of applicants



In addition to questions of quality, we asked personnel managers to rate applicants' understanding of the process and the support that they show for the recruitment procedure. Figure 15 suggests that the knowledge among applicants is generally good. In Macedonia, knowledge among applicants is lower. This is plausible, as the new recruitment procedure has just been adopted and it has not yet been fully implemented.

The recent experience from other countries that have recently started to implement new recruitment procedures suggests that applicants learn quickly. Comments from Montenegro, for instance, show that the screening for eligibility led initially to the exclusion of large numbers of applicants. Less than two years into the implementation of

the procedures, the proportion of ineligible candidates is very low, suggesting that potential applicants have indeed learned about the details of the procedure.

### **Areas for improvement**

In sum, the number and quality of applicants are essential for the quality of the merit recruitment procedure. While the procedural knowledge and attitudes of applicants towards the merit recruitment procedure appear to be sufficiently well developed, there is a need to consider measures to improve the quality of applicants. Bearing in mind that salary levels and general economic circumstances are difficult to change in the short term, strategic measures should focus on the quality of the examination system (see above) and more collaboration with local universities. Universities play an important role in preparing civil servants for their job. Efforts might hence be taken to work on the quality and curriculum of public administration and public policy degree programmes across the region.

### **3.6. Monitoring and enforcement capacity**

This last section addresses the question of monitoring and enforcement. The monitoring capacity and the credibility of enforcement mechanisms is essential for the quality of implementation. Without oversight and potential sanctions, there are fewer incentives to comply with the requirements of the recruitment procedure, as the costs of non-compliance decrease.

We addressed questions of monitoring in the context of previous sections. For instance, the need to seek approval from Ministries of Finance and central civil service management units provides an early check before a position can be advertised.

During the recruitment procedure, there are several mechanisms at work that ensure monitoring through selection commissions by personnel departments within recruiting institutions, central management units and independent experts from academia and civil society organizations. Yet the patterns across the region suggest that external monitoring remains at a moderate if not low level.

In Serbia and RS, for instance, monitoring is largely limited to the participation in the interview process of a representative from the Human Resources Management Service and the Civil Service Agency. Similarly, the decentralization of the procedure in Kosovo\* implies little monitoring activities. The Ministry of Public Administration does effectively not engage in any monitoring activity and external experts from academia and civil society organizations are only involved for the recruitment of General Secretaries. In BiH and FBiH selection commissions include civil servants from other institutions as experts, while the new procedure in Montenegro involves experts from outside the civil service.

Monitoring and inspections after the completion of the recruitment procedure is legally required but it is questionable how effective it is in practice. In Albania and Kosovo\*, civil service management is overseen by the Civil Service Commission and the Independent Oversight Board respectively. Both institutions are independent offices within the jurisdiction of Parliament. The Independent Oversight Board also participates in the

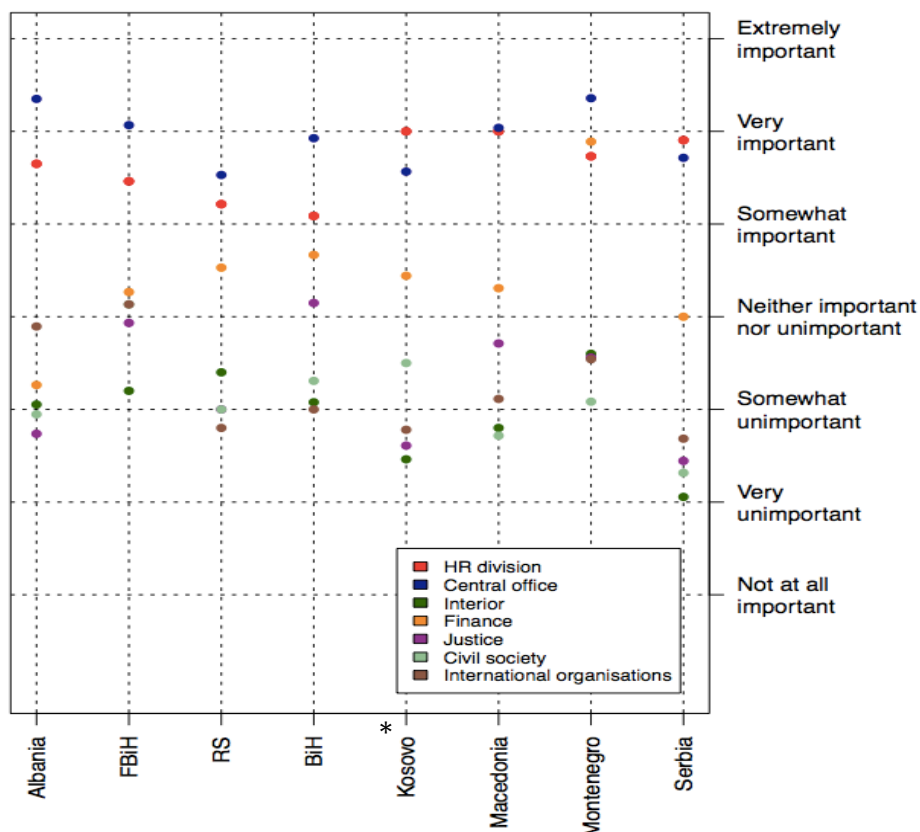
recruitment and selection of Directors of Departments. Yet their main function is to regularly assess the compliance of the institutions with the civil service law.

In the other countries, oversight and inspections are conducted by administrative bodies. In Montenegro, for instance, the Ministry of Interior has a unit in charge of administrative inspections. In BiH and FBiH, this role is taken by the Ministries of Justice and in Serbia by the Administrative Inspection. Even if inspections are regularly conducted, it appears that they fulfil a routine function that rarely leads to major interventions and corrections in the practice of implementation. The Independent Oversight Board in Kosovo\*, for instance, informs institutions if it picks up irregularities but there is virtually no follow up as to how institutions respond and review their practices.

We also inquired whether the non-compliance with the details of the recruitment procedure and/or the incorrect application would lead to sanctions against civil servants and their superiors. While mechanisms such as disciplinary procedures are in place across the region, it was striking to see that the large majority of respondents would not expect any negative sanctions for participants of the procedure if it were not applied properly. In other words, the procedures are usually not fully enforced in the region.

Monitoring and inspections are hence routinely performed in the region but their effectiveness is mixed at best. The evidence from the study suggests that personnel departments and central management units are the main monitoring bodies (Figure 16). Ministries are only relevant if they have a formal role in the process, for instance, Finance Ministries.

Figure 16: Important actors in the process



In addition to formally institutionalized mechanisms of monitoring, it is important to consider the role of external actors such as civil society organisations, academia and international organizations such as the European Commission, SIGMA and ReSPA. Civil society organisations and academics, it should be remembered at this point, have an official monitoring role as external experts in several countries. While civil society organizations are generally seen as ‘unimportant’, it is notable that their role is relatively more important in Kosovo\* where they have a formal role in the selection senior civil servants.

On average, international organizations, in particular, the EU and SIGMA are considered to be more important oversight bodies than local civil society organizations. This clearly indicates the responsiveness of ReSPA Members and Kosovo\* to conditionality applied by outside actors as much as it shows the weakness of domestic monitoring mechanisms.

### **Areas for improvement**

In sum, the development of monitoring capacity will be crucial for the improvement of the quality of merit recruitment in the future. Internal audits and inspections and parliamentary oversight together with external monitoring by NGOs play a central role in generating information about the advantages of merit recruitment for the performance of public administration and about the disadvantages of low merit standards, bias and informality in staffing the civil service.

The development of this kind of monitoring capacity is relevant beyond the provision of critical information about civil service performance, as it provides information that can be disseminated and debated by decision-makers inside the civil service such as personnel departments, senior civil servants, members of selection commissions and even members of the political leadership of ministries and non-ministerial bodies. Our analysis suggests that regular monitoring by NGOs is associated with a better overall functioning of the recruitment procedure. It is therefore highly recommended to invest in the role of civil society organizations as external evaluators and as independent yet qualified participants of recruitment processes.

## **4. Overviews and recommendations for ReSPA Members and Kosovo\***

Following the comparative analysis and identification of general recommendations for the region, this part of the study focuses on countries individually. The sections will briefly outline the main challenge that ReSPA Members and Kosovo\* face. Subsequently, a list of recommendations will be presented. The recommendations are the result of the personal interviews with central civil service management units in the countries, a selected number of personnel managers and the feedback that was collected through the online survey of personnel managers across the civil service.

The recommendations were discussed among the authors and contributors of the study in a meeting facilitated by ReSPA and following discussions with the representatives of the ReSPA Community of Practitioners (CoP) HRM/HRD. Several of the recommendations are sufficiently concrete for them to be realised directly by the national CoP representatives. Other recommendations will require further development and preparation, for instance, in collaboration with ReSPA and across institutions at the level of national governments.

This study stands out in its focus on the needs identified by national CoP representatives and personnel managers across the civil service. The recommendations therefore represent a bottom-up perspective on the development of merit recruitment procedures in the region. Further work at the national level and in cooperation with ReSPA is hence expected.

## **4.1. Albania**

### **1. Background**

The reform of the public administration in Albania has recently made major progress, in particular, with the Civil Service Law coming into force, the adoption of relevant secondary legislation and steps to improve the recruitment procedure. The capacity of the central civil service management unit, the Department of Public Administration (DoPA), has continuously increased and the same can be noted for the HR Directorates of the institutions, especially those that were recently included in the scope of the new Civil Service Law. It is recognised by the Albanian Government and Parliament that a professional, merit-based civil service is fundamental for improving the overall performance of public administration and for meeting the expectations of the public.

The implementation of the new merit-based recruitment system started in 2014. The initial results are promising indeed. The baseline indicator for this process was awarded a score of 4 in SIGMA's 2015 Assessment. However, it is essential to now work on the effective implementation and monitoring of the new system. The applicable legislation and court rulings must be fully respected, as they are cornerstones of a professional and merit-based civil service.

The capacity to properly manage the new pool recruitment system has been put in place and gradually increased. There is a higher number of applicants registered for each vacant positions, which shows interest in the procedure and growing confidence in the fairness of the process. The possibilities for political and partisan influence on pool recruitments have been reduced to a minimum. This indicates major progress and an important break with the practice of the past.

The new civil service system ensures a clearly defined career path. It means that applicants from outside of the civil service may only apply for executive-level positions. They therefore must begin a career in the civil service at the lowest position and only over time do they have the opportunity to advance along the civil service career path. While this is a major step and an innovative approach that had never been applied before in Albania, it has not worked without trade-offs. The recruitment of qualified candidates who possess extensive experience from the private sector in Albania, abroad and in international institutions turned out to be difficult to realise. For this reason, the Civil Service Law was amended to allow, in addition to existing civil servants, candidates from outside of the civil service to apply for vacant positions in the low and mid-level categories if they meet the required criteria. However, the proportion of vacant positions for which candidates from outside the civil service would be allowed to apply does not exceed 20 per cent of the total number of vacancies per calendar year.

The system will however need further development and improvement in relation to the contents of the examination procedure and the capacity of members of the examination commissions. The management of large-scale recruitments has been a challenge and novelty for DoPA. The new online application system allows the management and screening of large numbers of applications and has helped DoPA to implement this very time-consuming task. The practice further shows that it will be necessary to improve the

quality of the questions that are asked in written tests, to automatize corrections and to optimize the time required to correct the responses.

Members of examination commissions will evidently need to be better trained for their role. In Albania, they are appointed for a relatively long period of time, which will give DoPA the possibility to organize trainings on recruitment techniques, interviewing skills and selection techniques.

The pool recruitment relies to a large extent on prior staff planning by the institutions. However, in some institutions staff planning has not yet become an established part of administrative practice and, as a result, implementation difficulties persist. This process of planning will hence need fine-tuning and a clear commitment from institutions to deliver their plan in a timely manner.

## **2. Recommendations**

- **Improve questions that are used in written examinations and personal interviews**

As the number of applicants has increased significantly over the last two years, it has become necessary to create a database with prepared questions that are divided along specific categories of jobs. The establishment of a qualitative bank of questions for the written examination will improve the quality of testing and contribute to the recruitment of the best candidate into the civil service. Furthermore, the type of questions asked during the interview should be drafted in a way that they allow for the testing of the candidate's 'soft-skills', that is, questions should allow the testing of applicants' organizational skills, verbal communication skills, their approach to team-work, their problem-solving skills etc.

- **Training of members of selection commissions**

The members of selection commissions will need to receive further training in order to better manage the procedures, in which they are involved and to be better able to assess the candidates during the examination.

- **Clarify the entry criteria of candidates**

For executive-level positions, the criteria tend to be minimal, in particular, in relation to the working experience of applicants. However, it will be necessary to specify the criteria for recruitment into low and mid-level management positions, in particular, in relation to the working experience required at different levels of the hierarchy. Also, there is room for improving the criteria for the (internal) lateral transfer and promotion procedure, as professional experience requirements are often the same for both procedures.

- **Fully apply the Human Resources Management Information System**

In order to ensure better management of human resources across all institutions, it will be necessary to fully implement the Human Resources Management Information System. Although intensive work has been done in this regard, challenges ahead remain. In particular, it will be necessary to fully populate the system with personnel data and to connect it to the Treasury System.



- **Establish standard formats for the main procedures**

In order to improve the efficiency of the recruitment process, the standard procedures should be computerized in the second phase through the application of Human Resources Management Information System and the use of electronic communication between institutions and DoPA. As a result, it will become possible to provide a series of approvals electronically.

- **Improve human resources planning based on Government policies and strategies**

The process of human resources planning has been one of main weaknesses since the beginning of the implementation of the new recruitment procedure. It will therefore be necessary to create a more effective framework for human resources planning in order to support the timely implementation of personnel policies.

**Overall**, over the last two years Albania has made significant progress towards the establishment of a fully functioning merit recruitment system. Recommendations focus on fine-tuning the existing system. Most of them can be followed up directly by DoPA in collaboration with the recruiting institutions across the civil service. There is scope for further collaboration in the context of the CoP on HRM/HRD, in particular, in relation to the improvement of the written part of the examination procedure, guidelines provided for personal interviews and the development of training and accreditation mechanisms for the members of examination commissions.

## 4.2. Bosnia and Herzegovina

### 1. Background

The process of public administration reform (PAR) in Bosnia and Herzegovina (BiH) is a classic example of a *glass half-full or half-empty* dilemma. Looking at the nominal results, the glass appears to be half-empty. Indeed, the data provided by the PAR Coordinator's Office (PARCO) indicate that in the period 2011 – 2014 only 61% of the total reform goals have been met (an average figure for all four public administration structures of BiH).<sup>9</sup> However, the reform process has received very limited (if any) political support. As a result, the reform record over the last few years might indeed be regarded as a significant achievement and 'small victory'.

The recent inclusion of PAR in the so-called Reform Agenda<sup>10</sup> has opened a window of hope that the time has finally come for the political representatives to make a long-awaited contribution to the reform process. However, the first concrete steps constitute major disappointment.

The Federation of BiH (FBiH) Government has recently amended the Law on the Civil Service in a way that the principles of merit-based recruitment and political neutrality in the civil service will be seriously undermined. The most important senior civil service posts (i.e. Secretary of the Ministry, Assistant Minister, Chief Inspector) shall no longer be part of the civil service. They shall effectively become part of the Minister's cabinet.

In future, Secretaries and Assistant Ministers shall be hand picked by the in-coming Minister and they shall stay for as long as the Minister does. Some form of competition is still envisaged but the selection commission shall no longer include experts from the Civil Service Agency's list of independent experts. In fact, each member of the panel shall be appointed by the Minister.

The same institutional solution has been prepared at the BiH State level (i.e. Ministry of Justice has prepared the Draft Amendments to the Civil Service Law, which are almost identical to those seen at the FBiH level). However, it appears that the EC Delegation has clearly stated its opposition to the amendment, as it would represent a significant reform reversal and formally demonstrate that the Government of BiH State would no longer be committed to the principles of a modern, professional civil service.

Ironically, recent amendments of Civil Service Laws at the BiH State and FBiH level come amid the explicit statement contained in the Reform Agenda that all levels of government in BiH are expected to draft new Civil Service Laws '*...with the assistance of World Bank and SIGMA*'.<sup>11</sup> However, SIGMA has been left out of the process so far. It appears that the

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<sup>9</sup> PARCO, 2014 Monitoring Report, p. 9. Report available in local language at <http://parco.gov.ba/latn/?page=364>.

<sup>10</sup> Political document generated via the British-German initiative aimed at re-starting Bosnia's progress towards EU accession. The document, which covers the period 2015 – 2018, contains the main principles of reform in six areas. It has been endorsed by the State, entity, Brcko District and cantonal level governments of BiH.

<sup>11</sup> Reformska Agenda 2015 – 2018, p. 7, Bosnian version of the document available at <http://www.fbihvlada.gov.ba/pdf/Reformska%20agenda%20.pdf>

direction of legislative changes advocated by SIGMA in its 2014 BiH Assessment Report, in which it calls for *inter alia* political neutrality and merit-based recruitment in the civil service, has been the opposite of what the political representatives prefer. While SIGMA called for the 'tightening of screws' to prevent further politicization and manipulation of the recruitment process, the ruling political parties seek full control of appointments over some two hundred top civil service jobs.

In spite of several warnings from the EC Delegation, the FBiH Government and Parliament have proceeded with their plan to *de-professionalise* the civil service. At the time of writing, the FBiH Parliament had voted in favour of the amendments. The final decision will have to wait until the FBiH Constitutional Court will make a ruling on the official appeal of the Serbian ethnic Caucus related to the new Civil Service Law. Serbian Members of Parliament see the new Civil Service Law as a threat to their Vital National Interests, since the provisions of the new Law fail to provide any mechanism for the protection of the ethnic balance in future recruitments.

On paper, the provisions governing the process of recruitment and selection in the civil service structures of BiH State, FBiH and Republika Srpska (RS) look compatible with the principle of merit recruitment. Vacancies are advertised in main daily newspapers, competitions are conducted and so is the right to appeal the selection decision. The selection process itself is not that much 'off the mark' especially in the cases of BiH State and RS where the first-ranked candidate is either automatically appointed (i.e. at BiH State level, this applies to non-managerial civil service positions) or has to be appointed by the head of institution (i.e. RS level). Managerial civil service posts at the BiH State level are filled via open competition but the head of institution is given more freedom in the selection decision (i.e. he/she can pick anyone from a list of successful candidates). The practice in FBiH continues to be the most problematic one as the selection for both managerial and non-managerial civil service posts is made by the head of institution who picks anyone from the list of successful candidates. However, the list is alphabetically sorted and does not contain rankings based on the outcome of the examination.

However, the main problem is not in the legal text governing the recruitment and selection but its practical application. It appears that selection panels have learned the way of 'beating the system', that is, they breach no legal provision and, yet, they ensure that the 'preferred candidate' is offered the job. Evidently, measures will have to be taken to increase the level of transparency in the work of selection panels and to revitalize the merit recruitment procedure across BiH.

Besides, all civil service structures across BiH will have to make more efforts to maximize the potential of their recruitment practices. For instance, the use of social media (i.e. Facebook, LinkedIn, etc.) to advertise the jobs in the civil service is far below the general popularity level of these applications in BiH. Furthermore, testing procedures have to be amended to allow for the development of competence-based testing. As an illustration, at present, candidates for civil service jobs prove their foreign language abilities by submitting language course certificates instead of demonstrating their knowledge by speaking/writing in the required language as part of the testing process.

## 2. Recommendations

- **Increase the reach of job advertisements using social media (esp. FBiH and RS)**

Current instruments to advertise job openings have an insufficient reach, in particular, in relation to young potential applicants. The BiH State level Civil Service Agency has already started to use its Facebook account to post job openings. Additional social networks could be used to advertise jobs. The Civil Service Agencies in FBiH and RS should be able to implement this kind of recommendation on their own initiative.

- **Re-design the general part of the examination (FBiH and BiH State)**

At present, the general examination is ineffective as a 'first filter' for the subsequent specialized examination and interview component of the recruitment procedure. In order to make the general examination more effective, Civil Service Agencies at BiH State level and FBiH should consider supplementing the current set of general-administration questions with the set of job-related questions. It is recommended to opt for a ratio whereby two thirds of the questions address general administrative knowledge and one-third tests job-specific knowledge (BiH State and FBiH). In any case, it will be essential to make the general part of the examination more challenging.

- **Re-design the professional (job-specific) part of the examination (FBiH)**

For FBiH, it is recommended to replace the current multiple choice format of the professional (second phase, job-specific) component of the examination with an essay based assessment format, as the current assessment method fails to adequately screen the knowledge and competences of candidates.

- **Introduce compulsory written examinations in RS**

Currently, RS does not require the written testing of candidates in the context of the recruitment procedure. In order to complete the institutional framework and to align it with the principles of merit recruitment, it is recommended to introduce a compulsory written examination component.

- **Introduce more effective language testing (BiH State, FBiH, RS)**

For BiH State and FBiH, it is recommended to introduce the possibility of testing language skills by means of written or oral questions during the professional (job-specific) part of the examination. For RS, questions in the relevant language should be asked during the job interview.

- **Increase the transparency of the examination procedure (BiH State, FBiH, RS)**

One of the major weaknesses across BiH is a perceived lack of trust in the impartiality of the examination procedure. At least three measures should be considered by Civil Service Agencies and Governments across BiH.

- Consider the introduction of audio-recorded interviews for the sake of making the recordings available for the appeal process,
- Consider the inclusion of third party representatives (e.g. from civil society organizations) to monitor the examination procedure and to effectively guarantee public watch during the interview process,

- Generate the examination questions not earlier than 2 hours before the beginning of the examination using a computer program for the random selection of questions from a sufficiently larger pool of questions.

- **Standardise the evaluation of interviews**

At present, selection commissions lack systematic criteria for the evaluation of candidates during the interview process. Instead, marking criteria are developed on an ad hoc basis, undermining the consistency of the evaluation. It is therefore recommended that Civil Service Agencies introduce 'interview rating sheets' that specify criteria on the basis of which candidates can be systematically evaluated.

- **Provide training for the members of selection commissions**

One of the main weaknesses of the recruitment procedure is a lack of adequate knowledge among members of selection commission. It is therefore recommended that Civil service Agencies prepare guidelines and, ideally, standard training modules for prospective panel members. It might be considered to only allow certified officials to serve as members of selection commissions.

**Overall**, the recruitment procedure across BiH is at a crossroad. The institutional framework has been in place for more than one decade. However, legislative gaps, unreliable implementation and violations of the spirit of the law are omnipresent. Current attempts to de-professionalise the civil service in FBiH and BiH create further pressure for the quality of the recruitment system. It will be a priority first of all to prevent the formal de-professionalization of the system by convincing Governments and Members of Parliament of the importance and benefits of merit-based civil service governance. Beyond these questions of principle, the recommendations listed above can be, by and large, addressed by Civil Service Agencies on their own or in collaboration with ReSPA.

## 4.3. Kosovo\*

### 1. Background

First Kosovo\* Public Administration Reform (PAR) Strategy was launched in 2007. After an evaluation of the achievements in 2014, the Government of Kosovo\* developed a new strategy divided along three pillars: (1) development and coordination of policies and legislation, (2) civil service, human resources management, public-administrative service delivery and accountability, and (3) public financial management.

The civil service system has been continuously developed in the context of the reform and modernization of the administration. However, the quality of implementation remains the main challenge. Recruitment practices do not properly respect the merit principle. Professionalism in the civil service remains under-developed. HR development lacks a strategic approach. The monitoring of the implementation of civil service legislation remains weak. Accordingly, the EU Progress Report for 2014 stressed that 'secondary legislation to the laws on the civil service is still outstanding. The completion of the job classification catalogue is pending. There have been further delays in implementing the laws on civil servants and on salaries of civil servants'.

Similar concerns are reported by the SIGMA in its 2014 'Public Administration Reform Assessment'. The Assessment finds that 'some ambiguities and gaps lead to uncertainties during the implementation of primary and secondary civil service legislation'. The SIGMA Assessment further criticizes that 'the ad hoc nature of selection committees and their composition may lead to inconsistent implementation of selection criteria'. As regard politicization, the SIGMA Assessment concludes that 'the Secretary General could influence the process, either through the appointment of the selection commission or when taking the final selection decision'.

The reform of the civil service has resulted in the establishment of a uniform civil service system in Kosovo\*. The merit principle is at the centre of the recruitment procedure. However, problems of implementation are further confirmed by the Independent Oversight Board Kosovo\*. According to the 2014 Annual Report 'most violations in the recruitment process are related to: The failure to obtain an authorization for a vacancy announcement from the Department of Civil Service Administration at the Ministry of Public Administration, the contents of written test, and the composition of the Selection Committee for the Civil Service.'<sup>12</sup> More specifically, the following problems of implementation can be identified:

The complexity of the recruitment procedures frequently creates confusion among HR directors during the implementation process. Entry to the civil service is addressed by too many pieces of regulations, including the regulation on the recruitment procedure in the civil service and regulations on transfers of civil servants, on job classifications, on redundancies of civil servants, on promotions of civil servants, on civil servants' appointment and on career development. In addition, there are unclear parts of the recruitment procedure that HR staff struggle to implement, for instance, the filling of

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<sup>12</sup> Annual Working Report of the Independent Oversight Board for the Civil Service of Kosovo\* for 2014.

fixed-term position; how to act when only one candidate attends the written examination; and how to complete the recruitment process when one or several members of the selection commissions refuse to sign the final report.

The process of approving positions at the beginning of the recruitment procedure frequently leads to delays. Approvals are required from the HR director of the institution, the senior administrative manager of the recruiting institution, the Ministry of Public Administration and the Ministry of Finance.

The criteria for the establishment of selection commissions are often difficult to meet in practice. For instance, it is required that any selection commission respects principles of gender and ethnic equality as well as the qualifications and seniority of members. Because the members of selection commissions are drawn from the recruiting institution, it is often impossible for small institutions to meet these criteria. Institutions then need to ask for support from other institutions, which makes the recruitment process increasingly complicated.

The examination often fails to indicate the true knowledge and competences of the candidates. The examination is not sufficiently concise and not always related to the job to be filled. The personal interview part tends to be too formal. Often, some of the panel members do not participate in the preparation of the exam questions but, instead, ask HR units to prepare them on their behalf. As a result, the contents of exams are often not relevant and the quality of the screening process is low.

The appeal process lengthens the recruitment process. Unsuccessful candidates have the right to launch appeals within 30 days from the date of the announcement of the decision. As a result, the recruitment process cannot be closed.

The Department for the Civil Service Affairs at the Ministry of Public Administration lacks the capacity to play a more proactive role in the recruitment process. There is not enough scope for the development of an HRM strategy, for a more proactive role in the implementation process and for the regular monitoring of recruitment practices.

Political interference in recruitment and selection is widespread. Even if the Law on the Civil Service requires that recruitment should be done in accordance with 'the principles of merit', the Criteria Assessment Commission (CAC) does not do enough to safeguard merit and professionalism and to allow for the final appointment of senior managing staff to be taken by the respective ministries. Political influence is often extended downwards via senior managers. Moreover, political parties and informal networks tend to seek to influence the recruitment of the civil servants at all levels.

The decentralization of recruitment creates difficulties for institutions to competently implement the procedure. It further opens the door for patronage and nepotism, while weakening monitoring and control.

## 2. Recommendations

- **Include independent external experts on selection commissions and regulate their status**

The quality of selection commissions is crucial for the functioning of the recruitment procedure. Measures should be considered to increase the involvement of representatives from civil society, academia and from the Independent Oversight Board on the selection commissions to allow for external expertise and monitoring of the recruitment process. Generally, it is recommended to develop a clear policy on the selection and allocation of independent experts for participation in the selection of General Secretaries and, as proposed here, the nomination of all selection panels.

- **Reduce the size of commissions for small institutions**

For small institutions, measures should be explored to reduce the size of commissions, for instance, to three members. The criteria for the composition of commissions should also be reviewed in relation to the qualification of their members as well as the ethnic and gender balance.

- **Develop training and fixed terms for commission members**

It will be priority to provide clearer guidelines for commission members in order to improve the quality of their work. It would be beneficial to introduce terms for commission members, for instance, for one year and to provide (compulsory) training modules for commission members.

- **Improve the contents and management of the examination**

The contents of examinations should be reviewed in order to include a larger proportion of professional, job-related questions. Measures should be considered to increase the role of the Ministry of Public Administration in the management of the written part of the examination in order to reduce the workload of individual selection commissions. Efforts are also needed to reduce opportunities for bias in the context of the decentralized recruitment procedure.

- **Improve the regulatory framework of the recruitment procedure**

Several parts of the recruitment procedure will need to be clarified in order to minimize ambiguities, contradictions, which create unnecessary room for interpretation and errors. The following parts of the procedure should be clarified.

- The role of the selection commission members, especially the role of the member of the HR units'
- The process for filling fixed-term position,
- How to act when only one candidate shows up for the written examination,
- What to do if one or several members of commissions refuse to sign the final report due to disagreement.

- **Enforcement of the decisions of the Independent Oversight Board**

It is evident that decisions and recommendations from the Independent Oversight Board face opposition and/or lack follow-through. Measures should therefore be considered to ensure recommendations from the Independent Oversight Board are implemented and properly enforced.



- **Develop a Human Resources Management Strategy for Kosovo\***

Finally, the Government of Kosovo\* should be asked to prepare and adopt a Strategy that focuses on the Development and Management of Human Resources in order to integrate reform measures and to develop commitment and a vision for the future of the civil service.

**Overall**, Kosovo\* has made major efforts towards the establishment of a merit-based civil service system. However, compared to other countries in the region, recruitment practices are subject to a larger degree of inconsistencies, implementation gaps are more common, the regulatory framework would benefit from further review and political interference during the recruitment process is common. Several recommended measures can be prepared and implemented by the ReSPA CoP members from the Ministry of Public Administration. Questions related to the improvement of the examination procedure will also benefit from further support from ReSPA. Questions of institutional change and an enhance role for the Ministry of Public Administration in the recruitment process will require attention from the Government.

## 4.4. Macedonia

### 1. Background

The main goal of public administration reform in Macedonia is the creation of an efficient, de-politicized and transparent service-oriented administration. A special PAR Group with a detailed action plan of activities to work on PAR has been established. The implementation of the reform depends on complementary policies such as the implementation of the Ohrid Framework Agreement, the decentralization process and the EU accession process.

The EU Progress Report for 2014 recognises that the new legislative framework for civil service and public employment was adopted in February 2014 and that it was scheduled for full implementation in 2015. Moreover, the European Parliament in its Resolution passed on March 2015 welcomed the adoption of the new legislative framework as a step towards providing for a unified, transparent and accountable public administration.

The new legislative framework streamlines recruitment for both majority and non-majority communities. It emphasizes the merit principle. However, concerns remain that despite the legislative progress, public administration remains fragmented and politicised. The EU strongly encourages efforts to enhance professionalism and the independence of the civil service across all levels. It further encourages efforts to implement the Law with due respect for the principles of transparency, merit and equitable representation.

In June 2015, the European Commission issued the so-called Urgent Reform priorities for the country following political negotiations between the EU and political parties in order to overcome the political crisis in Macedonia. Specifically, these priorities include the need to

- Rigorously implement the new legal framework, the Law on Administrative Servants and the Law on Public Employees and to fully observe the principles of transparency, merit and equitable representation,
- Ensure that employment policies in public administration follow the principles of transparency, merit and equitable representation through reliance on open procedures. There should be no further employment that does not respect the rules,
- Impose a moratorium on the implementation of the Law on Transformation of Temporary Positions into Permanent Contracts until the principle of merit is fully observed in the transformation process,
- Provide figures of the total number of public service employees in all government ministries, agencies and other bodies, broken down by sectors.<sup>13</sup>

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<sup>13</sup> For details, please access [http://ec.europa.eu/enlargement/news\\_corner/news/news-files/20150619\\_urgent\\_reform\\_priorities.pdf](http://ec.europa.eu/enlargement/news_corner/news/news-files/20150619_urgent_reform_priorities.pdf).

The latest SIGMA Assessment for Macedonia refers to the PAR Strategy for 2010 – 2015. It recognizes that objectives and priorities for all areas of public administration are in place. It also includes a detailed action plan with specific measures, time frames and indicators. The Assessment emphasizes the need to establish a merit-based civil service system, to strengthen the integrity system of the civil service and to ensure that political authorities and public employees are aware of their obligations and ethical standards in public administration. SIGMA also asks for efforts to strengthen the capacity of the Ministry for Information Society and Administration and the Agency for Administration.

The new Law on the Administration has been complemented by the adoption of the Decree on the implementation of the selection and recruitment procedure. The legislation was drafted according to the best practices of western democratic states. The reforms begin at the bottom of the pyramid. Starting from the organizational charts of each institution, to the procedure of posting a job, application procedures, merit based selection criteria, internal advancement, annual evaluation of the employees' performance and the remuneration system. The proposed system uses latest ICT tools in order to include objective indicators in each of the processes.

However, the procedure of selection and recruitment has not yet been put into practice. The Law and the Decree on implementing the selection and recruitment procedure provide for a methodology on workforce planning. The methodology should prescribe how institutions plan employment within their organization. So far the methodology has not been put in place, which has resulted in a moratorium on recruitment in public administration. At this point, the Law is therefore not applied and there is no implementation practice that can be properly assessed. According to the Law and the secondary legislation, the new selection and recruitment procedure will be competency-based and the process will differ from the one that was in place until February 2015.

## **2. Recommendations**

As the new procedures have not been put into practice, it is only possible to make preliminary recommendations and to consider measures that anticipate and support the implementation. Yet the interviews across the civil service and the ReSPA survey of personnel managers provide valuable insights with regard to the needs of institutions.

- **Provide training for members of selection commissions**

For the smooth functioning of the new recruitment procedure it will be essential to provide training for the members of selection commissions. The new procedure envisages four members from the Agency for Administration, the Secretariat of Implementation of the Ohrid Framework Agreement (SIOFA) and two representatives from the recruiting institution. Training will be required for all three sets of panel members. In particular, measures will be required for those coming from SIOFA and from the recruiting institutions, as they will not have had prior exposure to the new recruitment procedure.

- **Develop an interview manual**

A large part of the new examination procedure is managed by the Agency and focuses on generic testing. Selection commissions will therefore need specific support in relation to interviewing techniques. As part of the Action Research Projects that were run under the

HRM Workshops coordinated by ReSPA, the participants from Macedonia drafted an interview manual that should be developed further and adopted to support the implementation of the new recruitment procedure.

- **Provide further training for personnel managers**

The ReSPA survey showed that personnel units have been widely established across the civil service. However, there is a need for the development of human resources management (HRM) capacity. Most personnel managers lack HRM expertise, which prevents them from taking on a more proactive role in the implementation of the recruitment and selection procedure. In light of the new Law, it is therefore especially important to provide further training for HR managers.

**Overall**, the implementation of a new recruitment procedure in Macedonia is still pending. In this respect, the current situation in Macedonia is the least favourable of all countries in the region. In formal terms, the new procedure aims to institutionalize the merit principle. However, the experience from the past in Macedonia and from the other countries in the region suggests that the good implementation of the new law cannot be taken for granted. For the immediate future, it will therefore be extremely important to make efforts to train the key actors involved in the implementation of the procedure and develop measures for the effective monitoring of the recruitment process.

## 4.5. Montenegro

### 1. Background

The reform of public administration has been recognised as a priority by the Government of Montenegro. One of the main achievements has been the adoption of the Law on Civil Servants and State Employees in 2011, which entered into force on 1 January 2013. The main goal has been the institutionalisation of the merit principle in the civil service in order to promote professionalism and to reduce politicisation. The European Commission acknowledges that the adoption of the new Civil Service Law is a positive development. However, the Commission stresses that the focus will have to be on ensuring the effective application of the new legal framework. The Commission has also pointed out that serious efforts are needed to address the high level of politicisation in the civil service and to ensure the reliable application of the merit recruitment procedure. Beside this, the Commission emphasises that ‘appointments and dismissals need to be closely and transparently monitored and reported on, especially in the case of senior managers, in order to avoid arbitrary decisions’.

In SIGMA’s view the new Civil Service Law also provides a good basis on which to build a public employment system based on merit but additional efforts are needed to ensure its proper implementation. SIGMA notes that the process of recruiting up to the level of middle managers is based on merit and that the discretion of heads of state authorities has been reduced to selecting from a list of five successful candidates. However, the latter also points to one of the major weaknesses of the current system, that is, heads of authority are not obliged to select the top-ranked candidate.

This ReSPA study confirms that there is indeed considerable scope for the improvement of the current system of recruitment and selection. First, the recruitment process places considerable burden on applicants insofar as they have to submit a wide range of documentation, in particular, if they apply for several positions. Current practice has also demonstrated difficulties in the implementation of internal job advertisements, as the procedure is complex, costly and time consuming. In short, the mechanism of horizontal mobility does not function sufficiently well.

One of the most serious problems concerns the discretionary power of the political leadership in the final stage of the selection of candidates from an open list. In practice, it happens regularly that the top-ranked candidate is *not* selected for the post. Furthermore, the recruitment process of the senior management staff is not sufficiently regulated. It is only based on a structured interview that aims at testing candidates’ formal knowledge rather than their competences.

Finally, the central institutions in charge of implementing and monitoring the legal provisions, that is, the Human Resource Management Authority, Administrative Inspection and the personal departments of state organs are not adequately staffed, which has an adverse effect on effectiveness of the overall personnel system. In this light, the ReSPA study makes the following recommendations.

## 2. Recommendations

- **Review the system of horizontal mobility and the internal advertisement of job vacancies**

It has been difficult to effectively implement the procedure for the internal advertisement of job vacancies. Further analysis is recommended as to the factors that motivate the application for internally advertised jobs and hence horizontal mobility in the civil service. The system of internal advertisements should be reviewed to facilitate promotions inside institutions.

- **Review the contents and management for the documentation required for the submission of applications**

Civil servants who screen applications are under major pressure to evaluate a large amount of documentation within a short period of time. In order to increase the efficiency of the application process, HRMA should consider the introduction of an electronic application system, which relies on candidates completing application forms and submitting documentation online. Measures should also be considered to screen certificates and accompanying documentation at the time of shortlisting rather than already at the point of application. Such an approach would lower the costs involved in managing the application process.

- **Clarify the composition of selection commissions**

The rules determining the composition of selection of commissions are not sufficiently specified. In particular, it is recommended that the direct superior of the position to be filled should be a member of the selection commission. The relevant decree should be amended accordingly.

- **Clarify the status of independent experts**

Independent experts must be members of selection commissions. Yet their selection and allocation to commissions is under-regulated. Relevant regulation should be developed and adopted.

- **Provide training for members of selection commissions**

There is a general need to improve the knowledge base of commissions members. In particular, commission members delegated by recruiting institutions and independent experts will need clearer guidelines and, ideally, (compulsory) training before they can serve on selection panels. Training is especially important with regard to interviewing skills.

- **Review the status of the general examination**

The first part of the examination procedure is currently required for all candidates. It consists of a general knowledge examination. It should be reviewed whether it is necessary for candidates who apply for several posts to take the same testing procedure more than once. Instead, the general exam result should be valid for a certain period of time before an exam has to be re-taken.

- **Improve the fairness of the examination system**

In order to prevent possibilities of leaking of questions in written examinations, it is recommended to introduce a central system of a pool of questions operated by HRMA.

Questions should be randomly selected from the pool of questions only shortly before the examination takes place. Examinations should, furthermore, be anonymised when they are marked.

- **Introduce written examinations for senior civil servants**

Currently, senior civil servants are only assessed on the basis of an interview. Written examinations should therefore be considered for senior civil in order to test and verify their level of knowledge and competences.

- **Introduce competency-based interviews**

Currently, the recruitment procedure does not provide enough support for members of selection commissions. A competency framework could be considered in order to support the recruitment process of all civil servants and especially senior civil servants. The framework would provide standards for all civil servants (for example, communication skills, team work etc.) and additional standards required from senior civil servants (for example, leadership skills, planning, coordination, work under pressure etc).

- **Ensure the final selection of the top-ranked candidate**

It is recommended to revise the legal framework in order to ensure the final selection of the top-ranked candidate for a given post. For as long as this is not legally required, measures should be taken to provide more comprehensive explanations in case the top-ranked candidate is not selected.

- **Increase the monitoring and enforcement capacity**

The capacity of the key institutions in the central management and monitoring of the recruitment procedure should be strengthened both with respect to the number of staff and their competences

- Human Resource Management Authority,
- Personal departments of the country authorities,
- Administrative Inspection.

Possibilities for further improving the cooperation between HRMA and Administrative Inspection should be explored, as this will strengthen oversight and the improvement of the quality of implementation.

- **Apply the merit recruitment procedure to the administration of Parliament and the Local Government level**

The administration of Parliament, which is included in the scope of the Civil Service Law, should not be exempted from the application of the standard recruitment procedure. Moreover, there is a need to align the recruitment and selection procedure used at the local government level with the requirements of the Civil Service Law. Generally, exemptions from the Law should be minimised, as they introduce inconsistencies of the application of the Civil Service Law.

**Overall**, the introduction of the new Civil Service Law has led to incremental improvement of the management of the recruitment procedure. However, the institutional conditions for merit recruitment area not yet complete and problems of implementation persist. Most of the recommendations derived from this ReSPA study can

be followed up by the CoP members from HRMA. Broader questions, for instance, related to the development of the examination procedure, will benefit from further facilitation and support from ReSPA. Regulatory changes and investment in the capacity of key institutions will require the support from Government and other central government ministries.



## 4.6. Serbia

### 1. Background

Public administration reform (PAR) has been at the centre of the attention of the Serbian Government's agenda since the signing of the European Partnership Agreement with the European Union (EU) in 2004. It outlines short and medium term priorities and the steps that are needed to prepare Serbia for EU membership. They included continuous efforts to implement the reform of public administration and to align public governance in Serbia with the principles of the European Administrative Space.

The implementation of the 2004 PAR Strategy, which refers to the reform of the central state administration, together with two actions plans that cover the periods from 2004 – 2008 and from 2009 – 2012, focused primarily on the establishment of the legal framework. It sought to provide the preconditions for further development of the system of public administration. A new PAR Strategy was adopted in 2014. It extends the scope of the previous PAR Strategy from the state to public administration more broadly. It seeks to accomplish functional unity and raise the quality standards of activities and various specific types of administrative operations. It will hence ensure the continuity of the reform process in Serbia.

The objective of such an overarching approach is to lay the foundations for an integrated legal regime that ensures high quality performance of public administration and the alignment of the system of civil service management with the wider organization of public administration, standardized information technology and communication systems. Following the adoption of a strategic PAR framework, a new Action Plan was adopted in March 2015 to provide detailed measures and a schedule for the implementation of the PAR Strategy until the end of 2017.

The main institution responsible for the cross-governmental management of human resources is the Human Resource Management Service (HRMS). HRMS was formally established by the Civil Service Act of 2005 and started to operate in 2006. HRMS has a status as a Government Service and reports to the Secretary General of the Government.

The original civil service reform programme in Serbia has been implemented through adoption of the Civil Service Law in 2005, the Law on Civil Servants' Salaries in 2006 and supporting secondary legislation. The Civil Service Law regulates each aspect of the recruitment and selection process in an attempt to remove any discretionary power, which would undermine the recruitment on the basis of merit. The Law's provisions reflect two overarching principles: the principle of equal employment opportunities for all persons who fulfil the prescribed requirements and merit principle in the recruitment and selection (Chapter I, Article 9).

In order to prevent the practice of creating new vacancies for motives other than the efficient delivery of services entrusted to state administration – a practice that in the past served as an important way to expand political influence of those in power – the legislator prescribes two cumulative requirements for new recruitment: No recruitment can be made unless there is a vacant post, which has to be determined both by the Rulebook on Internal Organization and Systematization and by the Annual Staffing Plan. According to

the Civil Service Law, the advertisement of the vacant posts is mandatory. However, the Law only establishes this rule for all vacant ordinary civil servants' posts if the employment is permanent. By contrast, if the employment is temporary, the recruitment authority is not obliged to advertise the vacancy.

The latest EU Progress Report identifies human resources management as a major weakness of public administration in Serbia. According to the Report, recruitment, both for senior and middle management positions, continues to be an issue of serious concern and a sizeable proportion of appointments has been conducted through non-transparent procedures. The current legal framework and its uneven application leave room for undue influence in the recruitment process. Substantial changes in recruitment practices are therefore needed to establish a merit-based professional civil service.

In addition, the latest SIGMA Assessment confirms that the civil service law regulates merit-based recruitment. However, there is considerable potential for the exercise of discretion, more for senior positions and somewhat less for ordinary civil servant positions. Further distortions of the system, it is argued, result from the misuse of service contracts and the appointment of temporary employees.

Both evaluations are consistent with results of this ReSPA study on the quality of recruitment and selection in Serbia. Merit-based recruitment is clearly regulated by the Law on Civil Servants and secondary regulations. The legal framework is also fully implemented. The Law stipulates mandatory recruitment by internal or external, public competition for senior civil service positions. It establishes specific professional requirements that candidates have to meet in order to apply for these positions. The Civil Service Law formalize a distinction between political posts and senior civil service posts in ministries, bodies within ministries, and special organizations.

The main weakness recognized by respondents to the ReSPA survey is the recruitment of temporary employees, which do not fall under the regular the merit recruitment procedure. This type of positions is not publicly advertised, given the lack of legal requirement. An additional weakness of the current system concerns the selection of senior civil servants. In fact, only one third of the incumbent senior civil servants were selected through open competition, as exceptions and transitional arrangements allow for discretionary appointments.

The last point that should be emphasized as an important yet rarely mentioned weakness of the current recruitment procedure concerns the discretionary right of the head of state body. Even though the head's decision should be based on the results of the examination procedure, it is not compulsory for the head to conduct a personal interview with the recommended candidates. In most cases heads of state bodies therefore make decisions without having familiarized themselves with the candidates' profile and competences. The possibility of heads of state bodies to select anybody from the list of proposed candidates rather than the top-ranked candidates further undermines the merit principle of recruitment in Serbian public administration.

## 2. Recommendations

- **Develop a systematic methodology for the design of Rulebooks on the Organization and Systematization**

Even if the questions of organizational design are not directly connected to the recruitment process, the development of these Rulebooks is one of the preconditions for the operation of the recruitment procedure. In most cases Rulebooks are created in accordance with the profile of people rather than organizational needs, which leads to the creation of artificial positions. In order to prevent this practice, it will be necessary to revise the Decree on Principles for Internal Organization and Systematization in order to establish a clear relation between institutional objectives/priorities, organizational structure and status and the number and profile of employees and managers. This will be a necessary step to rationalize and justify future recruitment decisions.

- **Develop competence-based job descriptions in Rulebooks on Organization and Systematization**

Currently, the Rulebooks recognize only a small number of competencies, for instance, the need for IT skills and foreign languages, which are checked during the recruitment process. However, additional competencies should be derived from the job descriptions and form the basis for the job interview. HRMS has already developed a manual for the identification and testing of competences. It is recommended that the manual will be formally introduced and applied in practice.

- **Introduce compulsory advertising and examination for temporary employment**

Currently, temporary employment is exempted from public advertisements and examinations. It is recommended that the status of temporary employment is fully aligned with permanent employment in the civil service and that recruitment into temporary jobs is subject to advertisement and proper examination.

- **Adjust the format of job advertisements**

Currently, job advertisements are standardized. However, the format of these advertisements is extensive, the font is small and a large amount of detailed yet unnecessary information is listed. While the format is regulated by law, it should be reviewed what information and how much information is required.

- **Reduce the number of the documents required for the submission of applications**

Current practice shows that a large number of documents must be submitted in order to apply for a position. The number of documents increases when jobs require prior work experience. Yet is recommended here that the submission of a CV, in a prescribed format, is sufficient for the initial application, while evidence of work experience and other necessary documentation should be submitted at a later stage of recruitment process in order to prevent the unnecessary accumulation of documents.

- **Create an online database of candidates**

The main idea behind this initiative is to prevent the accumulation of documentation required for application. As a result, the same candidates would be able to repeatedly apply for different positions without having to submit the complete documentation for

each and every job application. The use of digital technology should be considered in order to allow potential candidates to prepare a portfolio and present their experience. The use of social networks might further be used to disseminate job advertisements and to promote the external profile and identity of institutions.

- **Appoint members of selection commissions for longer periods of time**

Currently, selection commissions are formed on an ad hoc basis. In order to increase the efficiency and effectiveness of the work of commissions, it is recommended that each institution nominate a small number of civil servants for a period one year. Moreover, it is recommended that, as a rule, the Secretary of the Ministry or equivalent from non-ministerial bodies sit on all selection panels. This takes into account the formal responsibility of Secretaries for general organizational affairs, including human resources.

- **Introduce compulsory training for the members of selection commissions**

Currently, HRMS provide optional training for the members of commissions with focus on interviewing skills. In order to improve the work of selection commissions, it is recommended that training will be compulsory for members of commissions.

- **Introduce compulsory written examinations**

Serbia differs from the majority of other ReSPA Members and Kosovo\* in that a written examination is merely optional. Currently, written tests are done in approximately 40 per cent of all recruitments. It is recommended that a compulsory written test be introduced in order to assess and verify the competences of candidates.

- **Increase the involvement of HRMS in the management of examinations**

The role of HRMS in the examination process could be strengthened in order to increase the consistency of the recruitment procedure. In particular, HRMS could play a key role in the organization of the written part of the examination. Survey respondents stressed the need for more rigorous testing of candidates. The introduction of comprehensive assessments centres to test knowledge and competences would represent an important step forward. It is recommended that HRMS will be responsible for this proposed upgrade of the examination procedure.

- **Introduce compulsory psychological tests**

HRMS already started to use this type of testing. The ReSPA survey shows that personnel managers of state bodies support this initiative and consider the test to be useful. However, the psychological test is currently not compulsory. It is therefore recommended to introduce a compulsory psychological test in order to complement the existing examination, as this would make a significant contribution to the final ranking of candidates.

- **Reduce the discretion of the head of institution to determine the final selection of candidates**

Currently, the head of the institution has the right to choose any candidate from a list of three candidates. In order to increase the compatibility with the principle of merit, it should be required that vacancies are filled within the legal time limit. In addition, the final decision should be based on the ranking of the selection commission, that is, the top-ranked candidate should be selected.

- **Introduce a larger range of marks in the selection process**

Currently, exam marks range from 1 – 3 (unsatisfactory, partially satisfactory, satisfactory), which does not allow for substantial differences between the candidates. In line with there is a need to broaden the marking scale, for instance, from 1 – 10. Moreover, there is a need to specify the criteria for each mark in order to allow for consistent and reliable marking across candidates.

- **Develop guidelines of the recruitment procedure for candidates**

Even though the legal framework defines the recruitment procedure, there is a need to develop a manual in order to enable candidates to familiarize themselves with the details of the procedure. A manual will also clarify applicants' rights to appeal. There has been a large number of complaints against the outcomes of the selection rather than against the application of the procedure.

- **Increase the role of Administrative Inspection in the recruitment procedure**

According to legal framework, the Administrative Inspection is responsible for the monitoring of the procedure and ex-post evaluations. Yet there is a need to improve monitoring and evaluation efforts. The monitoring role of HRMS, which sits on selection panels, should be strengthened. Moreover, measures should be considered to include independent external experts such as representatives of civil society organizations on selection commissions. This would require the development of guidelines for the selection and allocation of independent experts to selection panels.

**Overall**, the interviews and the online survey of personnel managers that have been conducted in the context of this ReSPA study have generated a large number of recommendations. They indicate interest in and commitment to the improvement of the recruitment procedure. Most recommendations can be prepared and implemented by the CoP members from HRMS. There is scope for further support from ReSPA, in particular, in relation to the preparation of measures to regulate temporary employment, to improve the systematization of positions and the development of the written part of the examination. Regulatory changes will require discussion at Government level and collaboration with other state institutions.